DOCUMENTS ON INTERNATIONAL AFFAIRS 1951

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DOCUMENTS ON INTERNATIONAL AFFAIRS 1951

SELECTED AND EDITED

 $\mathbf{B}\mathbf{Y}$

DENISE FOLLIOT

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PREFACE

With the Survey for 1951 and the Documents illustrating it, this series attains its normal footing of one year, one volume, and presents a suitable opportunity for explaining the problems which confront the editor of the Documents on International Affairs.

Leaving aside the vexed question of what constitutes a document, the main criticism levelled at a volume such as this is rarely: Why was this document included? but rather: Why was that document omitted? This question takes a little longer to answer than the impatient reader may expect.

The reasons for the omission of documents fall into two classes: reasons of economy and reasons of impossibility. The first class is the more obvious. Readers of the two previous *Documents* volumes will have noticed their size and price and will no doubt have realized that only by reducing the former can the latter be, not necessarily reduced, but at least kept stable. This policy entails not only a general restriction on the number of documents but often the omission of single, and perhaps important, texts, by reason of their excessive length. If texts have to be omitted on account of space shortage, however, reference to the *Survey* will show where they can be consulted.

The years 1947-50 were dealt with at a certain distance, not long perhaps, but long enough to allow other collections of documents to appear, official or unofficial, and to be used as sources for texts. Now, however, work on the volume in hand begins, at the latest, at the end of the year in question. In order to assemble a representative collection of texts the editor must largely rely on the daily and periodical press, at home and abroad, which in its turn is circumscribed by the needs for saving space and maintaining circulation. Government publications, although invaluable, do not always appear at the right moment, or even in the right language. Here again economy forbids extensive translation and has provoked the editor's decision, sometimes criticized, that everyone understands French.

In drawing up a plan for the *Documents* volume, therefore, the editor must make two lists: one of texts whose inclusion is desirable and another of those whose inclusion is possible. Rarely do these two lists entirely coincide. Sometimes—in particular when dealing with the majority of countries east of a line drawn from Lübeck to Trieste—they are found to have nothing in common, and the plan has to be revised.

In conclusion it may be added—although this certainly will not lead to any serious omission—that no text is included in the *Documents* which is not mentioned in the *Survey*.

DENISE FOLLIOT

CHATHAM HOUSE

January 1953

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PART I

THE U.S.A. AND THE NORTH ATLANTIC UNION

A. AMERICAN AID AND LEADERSHIP

(i) Extracts from President Truman's message to the United States Congress on the State of the Union, 8 January 1951

Mr. President, Mr. Speaker, Members of the Congress:

This Eighty-second Congress faces as grave a task as any Congress in the history of the Republic.

The actions you take will be watched by the whole world. These actions will measure the ability of a free people, acting through their chosen representatives and their free institutions, to meet a deadly challenge to their way of life. . . .

The threat of world conquest by Soviet Russia endangers our liberty and endangers the kind of world in which the free spirit of man can survive. This threat is aimed at all peoples who strive to win or defend their own freedom and national independence.

Indeed, the state of our Nation is in great part the state of our friends and allies throughout the world. The gun that points at them points at us, also.

The threat is a total threat and the danger is a common danger.

All free nations are exposed and all are in peril. Their only security lies in banding together. No one nation can find protection in a selfish search for a safe haven from the storm.

The free nations do not have any aggressive purpose. We want only peace in the world—peace for all countries. No threat to the security of any nation is concealed in our plans or programs.

We had hoped that the Soviet Union, with its security assured by the Charter of the United Nations, would be willing to live and let live. But that has not been the case.

The imperialism of the czars has been replaced by the even more ambitious, more crafty, and more menacing imperialism of the rulers of the Soviet Union.

This new imperialism has powerful military forces. It is keeping millions of men under arms. It has a large air force and a strong submarine force. It has complete control of the men and equipment of its satellites. It has kept its subject peoples and its economy in a state of perpetual mobilization.

Department of State Bulletin (Washington, U.S.G.P.O.), 22 January 1951, pp. 123-7.

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The present rulers of the Soviet Union have shown that they are willing to use this power to destroy the free nations and win domination over the whole world.

The Soviet imperialists have two ways of going about their destructive work. They use the method of subversion and internal revolution, and they use the method of external aggression. In preparation for either of these methods of attack, they stir up class strife and disorder. They encourage sabotage. They put out poisonous propaganda. They deliberately try to prevent economic improvement.

If their efforts are successful, they foment a revolution, as they did in Czechoslovakia and China, and as they tried unsuccessfully to do in Greece. If their methods of subversion are blocked, and if they think they can get away with outright warfare, they resort to external aggression. This is what they did when they loosed the armies of their puppet states

against the Republic of Korea, in an evil war by proxy.

We of the free world must be ready to meet both of these methods of

Soviet action. We must not neglect one or the other.

The free world has power and resources to meet these two forms of aggression—resources that are far greater than those of the Soviet dictatorship. We have skilled and vigorous peoples, great industrial strength, and abundant sources of raw materials. And above all, we cherish liberty. Our common ideals are a great part of our strength. These ideals are the driving force of human progress.

The free nations believe in the dignity and worth of man.

We believe in independence for all nations.

We believe that free and independent nations can band together into a world order based on law. We have laid the cornerstone of such a peaceful world in the United Nations.

We believe that such a world order can and should spread the benefits of modern science and industry, better health and education, more food

and raising standards of living—throughout the world.

These ideals give our cause a power and vitality that Russian communism can never command.

The free nations, however, are bound together by more than ideals. They are a real community bound together also by the ties of self-interest and self-preservation. If they should fall apart, the results would be fatal to human freedom.

Our own national security is deeply involved with that of the other free nations. While they need our support, we equally need theirs. Our national safety would be gravely prejudiced if the Soviet Union were to succeed in harnessing to its war machine the resources and the manpower of the free nations on the borders of its empire.

If Western Europe were to fall to Soviet Russia, it would double the

Soviet supply of coal and triple the Soviet supply of steel. If the free countries of Asia and Africa should fall to Soviet Russia, we would lose the sources of many of our most vital raw materials, including uranium, which is the basis of our atomic power. And Soviet command of the manpower of the free nations of Europe and Asia would confront us with military forces which we could never hope to equal.

In such a situation, the Soviet Union could impose its demands on the world, without resort to conflict, simply through the preponderance of its economic and military power. The Soviet Union does not have to attack the United States to secure domination of the world. It can achieve its ends by isolating us and swallowing up all our allies. Therefore, even if we were craven enough to abandon our ideals, it would be disastrous for us to withdraw from the community of free nations.

We are the most powerful single member of this community, and we have a special responsibility. We must take the leadership in meeting the challenge to freedom and in helping to protect the rights of independent nations.

This country has a practical, realistic program of action for meeting this challenge.

First, we shall have to extend economic assistance, where it can be effective. The best way to stop subversion by the Kremlin is to strike at the roots of social injustice and economic disorder. People who have jobs, homes, and hopes for the future will defend themselves against the underground agents of the Kremlin. Our programs of economic aid have done much to turn back communism.

In Europe, the Marshall Plan has had electrifying results. As European recovery progressed, the strikes led by the Kremlin's agents in Italy and France failed. All over Western Europe, the Communist Party took worse and worse beatings at the polls.

The countries which have received Marshall Plan aid have been able, through hard work, to expand their productive strength—in many cases, to levels higher than ever before in their history. Without this strength, they would be completely incapable of defending themselves today. They are now ready to use this strength in helping to build a strong combined defense against aggression.

We shall need to continue some economic aid to European countries. This aid should now be specifically related to building their defenses.

In other parts of the world, our economic assistance will need to be more broadly directed toward economic development. In the Near East, in Africa, in Asia, we must do what we can to help people who are striving to advance from misery, poverty, and hunger. We also must continue to help the economic growth of our good neighbors in this hemisphere. These actions will bring greater strength for the free world. They will

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4 give many people a real stake in the future and reason to defend their freedom. They will mean increased production of the goods they need and the materials we need.

Second, we shall need to continue our military assistance to countries

which want to defend themselves.

The heart of our common defense effort is the North Atlantic community. The defense of Europe is the basis for the defense of the whole free world—ourselves included. Next to the United States, Europe is the largest workshop of the world. It is also a homeland of great religious beliefs shared by many of our citizens—beliefs which are now threatened by the tide of atheistic communism.

Strategically, economically, and morally, the defense of Europe is part

of our own defense.

That is why we have joined with the countries of Europe in the North Atlantic Treaty, pledging ourselves to work with them.

There has been much discussion recently over whether the European countries are willing to defend themselves. Their actions are answering

this question.

Our North Atlantic Treaty partners have strict systems of universal military training. Several have recently increased the term of service. All have taken measures to improve the quality of training. Forces are being trained and expanded as rapidly as the necessary arms and equipment can be supplied from their factories and ours. Our North Atlantic Treaty partners, together, are building armies bigger than our own.

None of the North Atlantic Treaty countries, including our own country,

has done enough yet. But real progress is being made.

Together, we have worked out defense plans. The military leaders of our own country took part in working out these plans and are agreed that they are sound and within our capabilities.

To put these plans into action, we sent to Europe last week one of our

greatest military commanders, General Dwight D. Eisenhower.

General Eisenhower went to Europe to assume command of the united forces of the North Atlantic Treaty countries, including our own forces

in Germany.

The people of Europe have confidence in General Eisenhower. They know his ability to put together a fighting force of allies. His mission is vital to our security. We should all stand behind him and give him every bit of help we can.

Part of our job will be to reinforce the military strength of our European partners by sending them weapons and equipment as our military pro-

duction expands.

Our program of military assistance extends to nations in the Near East and the Far East which are trying to defend their freedom. Soviet communism is trying to make these nations into colonies, and to use their people as cannon fodder in new wars of conquest. We want their people to be free men and enjoy peace.

Our country has always stood for freedom for the peoples of Asia. Our history shows this. We have demonstrated it in the Philippines. We have demonstrated it in our relations with Indonesia, India, and China. We hope to join in restoring the people of Japan to membership in the community of free nations.

It is in the Far East that we have taken up arms, under the United Nations, to preserve the principle of independence for free nations. We are fighting to keep the forces of Communist aggression from making a slave state out of Korea.

Korea has tremendous significance for the world. It means that free nations, acting through the United Nations, are fighting together against aggression.

We understand the importance of this best if we look back into history. If the democracies had stood up against the invasion of Manchuria in 1931, or the attack on Ethiopia in 1935, or the seizure of Austria in 1938, if they had stood together against aggression on those occasions as the United Nations has done, the whole history of our time would have been different.

They are the foundations of collective security and of the future of free nations. Korea is not only a country undergoing the torment of aggression; it is also a symbol. It stands for right and justice in the world against oppression and slavery. The free world must always stand for these principles—and we will stand with the free world.

As the third part of our program, we will continue to work for peaceful settlements of international disputes. We will support the United Nations and remain loyal to the great principles of international cooperation laid down in its Charter.

We are willing, as we have always been, to negotiate honorable settlements with the Soviet Union. But we will not engage in appeasement.

The Soviet rulers have made it clear that we must have strength as well as right on our side. If we build our strength—and we are building it—the Soviet rulers may face the facts and lay aside their plans to take over the world.

That is what we hope will happen, and that is what we are trying to bring about.

That is the only realistic road to peace.

These are the main elements of the course our Nation must follow as a member of the community of free nations. These are the things we must do to preserve our security and help create a peaceful world.

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But they will be successful only if we increase the strength of our own country....

We are building up our strength, in concert with other free nations, to meet the danger of aggression that has been turned loose on the world. The strength of the free nations is the world's best hope of peace.

I ask the Congress for unity in these crucial days.

Make no mistake about my meaning. I do not ask, or expect, unanimity. I do not ask for an end to debate. Only by debate can we arrive at decisions which are wise and which reflect the desires of the American people. We do not have dictatorship in this country, and we will never have it.

When I request unity, what I am really asking for is a sense of responsibility on the part of every member of this Congress. Let us debate the issues, but let every man among us weigh his words and deeds. There is a sharp difference between harmful criticism and constructive criticism. If we are truly responsible as individuals, I am sure that we will be unified as a government.

Let us keep our eyes on the issues and work for the things we all believe in.

Let each of us put our country ahead of our party and ahead of our own personal interests.

I had the honor to be a member of the Senate during World War II, and I know from experience that unity of purpose and of effort is possible in the Congress without any lessening of the vitality of our two-party system.

Let us all stand together as Americans. And let us stand together with all men everywhere who believe in human liberty.

Peace is precious to us. It is the way of life we strive for with all the strength and wisdom we possess. But more precious than peace are freedom and justice. We will fight, if fight we must, to keep our freedom and to prevent justice from being destroyed.

These are the things that give meaning to our lives, and which we acknowledge to be greater than ourselves. . . .

In the months ahead, the Government must give priority to activities that are urgent—like military procurement and atomic energy and power development. It must practise rigid economy in its non-defense activities. Many of the things we would normally do must be curtailed or postponed.

But in a long-term defense effort like this one, we cannot neglect the measures needed to maintain a strong economy and a healthy democratic society.

The Congress, therefore, should give continued attention to the measures which our country will need for the long pull. And it should act upon such legislation as promptly as circumstances permit....

Above all, we must remember that the fundamentals of our strength rest upon the freedoms of our people. We must continue our efforts to achieve the full realization of our democratic ideals. We must uphold freedom of speech and freedom of conscience in our land. We must assure equal right and equal opportunities to all our citizens.

As we go forward this year in the defense of freedom, let us keep clearly

before us the nature of our present effort.

This is our cause—peace, freedom, justice.

We will pursue this cause with determination and humility, asking Divine Guidance that in all we do we may follow God's will.

HARRY S. TRUMAN

THE WHITE HOUSE, January 8, 1951.

- (ii) Republican statements of Policy on the United States contribution to the Defence of Europe
- (a) Extracts from a speech in the Senate by Senator Robert A. Taft, opposing President Truman's proposal to send United States troops to Europe,

 5 January 1951¹

The principal purpose of the foreign policy of the United States is to maintain the liberty of our people. Its purpose is not to reform the entire world or spread sweetness and light and economic prosperity to peoples who have lived and worked out their own salvation for centuries according to the best of their ability. We do have an interest in the economic welfare of other nations and in the military strength of other nations, but only to the extent to which our assistance may reduce the probability of an attack on the freedom of our people.

I do not myself see any conclusive evidence that (the Russians) expect to start a war with the United States. And certainly I see no reason for a general panic on the assumption that they will do so. We have clearly notified them that any attack in Europe upon the United Nations means a third World War, and we are obligated to enter such a war under the

terms of the Atlantic Pact.

Look at it from any point of view—and, I think, particularly from the Russian point of view—and it is difficult to see how the Russians could reasonably entertain the hope that they can conquer the world by military action. It must seem to their thinkers an extremely difficult undertaking. I believe they are still thinking in terms of a slow but steady advance by the methods which they have used up to this time. Those methods are dangerous enough.

¹ New York Times, 6 January 1951.

Since there is a greater possibility, however, of a destructive war against our liberty than we have ever faced in the past, at least since the Revolutionary War, there is no doubt that we should go just as far toward preparing for war as we can go in time of peace without weakening ourselves in the long run and destroying forever the very liberty which war is designed to protect....

In the present crisis where the entire world is threatened by the Communist menace, the United Nations has proved that it is not only an utterly ineffective weapon to check military aggression but that it is actually a trap for those nations which rely upon it as an organization to secure action against aggressors. . . . Obviously in such an organization there must be a veto power and that veto power nullifies any effective

action by the United Nations....

The President incorrectly assumed that the United Nations was an operating organization with power to call on us for troops which we could supply. As a matter of fact, he had no authority whatever to commit American troops to Korea without consulting Congress and without Con-

gressional approval.

He could not commit our armed forces to support the United Nations under the terms of the act which was passed by Congress, for that act only recognized the commitment of troops in the event of the negotiation of a special military agreement with the Security Council 'which shall be subject to the approval of the Congress by an appropriate act or joint resolution'. The Russians have prevented the conclusion of any such agreements. Congress has therefore never acted.

The President simply usurped authority, in violation of the laws and the Constitution, when he sent troops to Korea to carry out the resolution of the United Nations in an undeclared war. It may now be argued that Congress by appropriating money for additional Korean action has ratified the act, but the war was on and we had no choice but to back up whole-

heartedly the boys who were fighting in Korea. . . .

For the present we must make use of the United Nations as best we may, as a diplomatic weapon, and through it we may hope that more friendly relations can be established with Russia. But as far as military policy is concerned, I see no choice except to develop our own military policy, and our own policy of alliances, without regard to the non-existent power of the United Nations to prevent aggression.

What then should be our military policy in preparation for a possible attack by Russia on ourselves or on our allies? Our first consideration must be defense of America.... It seems obvious that the immediate problem of defending this country depends upon control of the sea and control of the air. . . .

Whether war can be ended by air power alone may be open to question,

but certainly sea and air power can achieve a complete protection while other forces are being developed to meet whatever goals may seem to be desirable in a third world war. Of course an army of reasonable size has a place in the defense of the American continent.

A land army is also necessary for the defense of air bases, further defense of islands near the continental shores, and for such occasional extensions of action into Europe or Asia as promise success in selected areas. But it need not be anything like as large an army as would be necessary for a land war on the Continent of Europe or the Continent of Asia....

A superiority in air and sea forces throughout the world can achieve other purposes than mere defense. It can furnish effective assistance to all those nations which desire to maintain their freedom. . . . It can achieve a balance of power under which more peaceful relations throughout the world can constantly be developed.

While defense of this country is our first consideration, I do not agree with those who think we can completely abandon the rest of the world and rely solely upon the defense of this continent. In fact the very thesis of an effective control of sea and air by the free nations requires that we do interest ourselves in Europe and the Near East and India and the Far East, so that Communist influence may not extend to areas from which it is still possible to exclude it by many methods other than land armies.

Of course, Mr. Hoover's recent speech was completely misrepresented by the Administration press in this regard. He did not advocate retirement to the American continent. He only urged that emphasis be placed on our defense of the Atlantic and Pacific Oceans, as it should be particularly if all our allies should abandon us.

It seems to me that our battle against communism is in fact a world-wide battle and must be fought on the world stage. What I object to is undertaking to fight that battle primarily on the vast land areas of the Continent of Europe or the Continent of Asia where we are at the greatest possible disadvantage in a war with Russia. The first principle of military strategy is not to fight on the enemy's chosen battle ground where he has his greatest strength. . . .

There is no need for a specific line of defense, but we can exercise a power for peace over a vast area. If the Russians realize that power cannot be challenged, and can do real damage to their own nation with the atomic bomb and otherwise, their purpose of military aggression may well wither, and gradually peaceful relations in Europe may grow again. The desire of human beings for peace and comfort and normal human relations is a powerful force which will constantly reassert itself.

I do not believe that this sea and air power should be used for aggressive purposes, but I do believe it should be available to assist those nations which ask for assistance to defend themselves against Communist

aggression, to the extent that such power can be successfully and effectively

used....

I believe the policy would also involve the support of Chiang Kai-shek on Formosa and the providing of arms and other assistance which might enable him to defend himself and contest with the Chinese Communists in China itself at least until peace is made with them. It is ridiculous to talk about avoiding a war with Communist China when such a war

already exists.

When American boys are being killed by Chinese armies, and Peiping announces that they are fighting the United States and trying to destroy American forces, we might as well have a declared war. It would untie the hands of our military commanders, and force the return of some of their army to China. The operations of Chiang's army and the free Chinese on the mainland should be a real hindrance to the occupation of Southeast Asia by Communist armies. In fact, it would seem to be the only hope.

Such a war certainly need not involve the invasion of China by American armies, or cost us one more man, or one more dollar, than

the present war in Korea. In fact it would cost us much less....

The power of great sea and air forces is not necessarily limited to island nations. The policy I suggest certainly would not abandon to Communist conquest the continental nations. In the first place, we may give economic assistance to many such nations providing they really want that assistance. We can give arms as we are bound to do under the Atlantic Pact, and as we are now doing in Indo-China, in Greece and in Turkey. . . .

The greatest question of policy before the country and before this Congress, however, relates to our undertakings in Europe. Under the general principles I have laid down, I would say that we had better commit no American troops to the European Continent at this time. Some modification is required in that theory because, first, we are now occupying Germany with the obligations growing out of the Second World War, and second, we have made certain promises under the Atlantic Pact.

It might be well first to consider just what our obligations are under the Atlantic Pact. One thing seems certain. There is no legal obligation

to send American land soldiers to Europe....

It was only our military planners who discussed sending American land troops to Europe. Responsible officials of the Government absolutely repudiated any idea that the Atlantic Pact contemplated such aid. If the President in his conference with Mr. Attlee, or Secretary Acheson at Brussels has undertaken to commit the United States to any such assistance before or during a war, they are usurping the authority given by law and their program should be submitted to Congress for consideration.

The President has no power to agree to send American troops to fight

in Europe in a war between the members of the Atlantic Pact and Soviet Russia. Without authority he involved us in the Korean war. Without authority he apparently is now adopting a similar policy in Europe. If Russia attacks, we will be in the war.

But I do not think we should force our assistance on nations which do not wish to arm themselves. I do not think we should insist or even urge that the European nations form a great international army unless they request us to help them in that project. I do not think we should assume the leadership in the formation of a great international army by the

appointment of an American commander in chief.

General Eisenhower is going to Europe to look into the wisdom of this project, and I hope he explores every aspect of such a commitment... If these nations really do desire to build up their own arms, and do so with our assistance, and if the time comes when they see the need of and demand a co-ordinated defense, and if it appears at that time that that defense has a reasonable chance of success, I should not object to committing some limited number of American divisions to work with them in the general spirit of the Atlantic Pact.

Such a program, however, never ought to be a key point in our over-all

military strategy. And the initiative should be theirs and not ours.

The course which we are pursuing will make war more likely. If this great international force which we envision is gradually built up, the Russians for a while will gradually increase their strength, but it seems obvious that if they think the Allies are gaining on them too rapidly, they can always begin the war. . . .

Finally, I believe we should use the same methods of infiltration as have the Russians. We need a much more effective intelligence force. We need to study the methods by which those millions who yearn for liberty in satellite countries may be organized to seize power whenever they have the support of their fellow citizens. We can back Chiang Kai-shek in his operations in China among the free Chinese and the underground.

Today, as far as I can see, there is no central agency anywhere to organize the lovers of freedom throughout the world, and keep in communication with them and their programs. There is no plan and no program in this field except the limited propaganda of the Voice of America.

The threat of communism is real. Those who are directing its affairs are brilliant and unprincipled. America must be the leader in the battle to prevent the spread of communism and preserve the liberty of the world. In the field of military operations, our strongest position is in the air and on the sea, and we should not attempt to be also a controlling power on the land. We should not be a military aggressor or give the impression of military aggression or incite a war which might otherwise never occur.

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Operations on the continents of Europe and Asia, if any, should be undertaken only with the greatest care and under careful limitation. We must not so extend ourselves as to threaten economic collapse or inflation, for a productive and free America is the last bastion of liberty.

And finally the policy we adopt must be approved by Congress and the people after full and free discussion. The commitment of a land army to Europe is a program never approved by Congress into which we should not drift. The policy of secret executive agreements has brought us to danger and disaster. It threatens the liberties of our people. . . .

(b) Extracts from a speech by General Dwight D. Eisenhower to the members of Congress on the defence of the North Atlantic Area, I February 19511

MR. PRESIDENT, MR. SPEAKER, LADIES, AND GENTLEMEN, I am very deeply aware of the distinction implicit in the invitation to appear before the elected representatives of the people. I am also keenly aware of the responsibility that rests upon me in accepting such an invitation, a responsibility that is not, of course, easy to discharge.

The very great problems involved in the defense of the free world are so vast and so complex that no man could hope in a lifetime of study and reflection to solve them all. He can certainly not be sure of the accuracy of his conclusions. In my own case, to a lifetime of professional study I have recently been able to add the observations of a hurried trip to 13 capitals, but that is most obviously a meager foundation upon which to base the conclusions that I have formed and am about to present to you.

So, aware as I am of this responsibility, I do assure you that I approach you in very deep humility and ask from you only this much on faith, that you do believe in the sincerity of my convictions. I have no end to serve, as I know you have no end to serve, except the good of the United States; and that is the reason I am talking here. And that is the reason I am back in uniform, and it is the reason I have the courage to appear before this body to express my convictions.

I am also aware of the very big responsibilities devolving upon you gentlemen. You will be forced, from time to time, and soon, to make decisions that are going to be far-reaching. In my opinion, they may determine the course of our civilization, whether or not free government is going to continue to exist upon the earth safely and with all of the rights and privileges that devolve upon the individual citizen under that protection.

As I start this talk, I think it would be well to establish a platform of understanding. Let us make certain assumptions. Now, the first, I have

¹ Congressional Record, ² February 1951, pp. 873-5; Department of State Bulletin, ¹² February 1951, pp. 245-51.

already made, that the Members of Congress here assembled and I have one object in common view, the good of the United States.

The next assumption I would like to make is that we are concerned not only with the protection of our territories, of our rights, of our privileges, but we are also concerned with the defense of a way of life. Our own way of life has certain factors that must persist if that way of life itself is to persist, for example, the freedom of the individual, his political freedom, his freedom of worship, and that he will have an economy based upon free enterprise. In other words, our system must remain solvent, as we attempt a solution of this great problem of security. Else we have lost the battle from within that we are trying to win from without.

I do not believe, for example, that the United States can pick up the world on its economic, financial, and military shoulders and carry it. We must have cooperation if we are to work with other nations. The results of the effort to be the mutual, the common good, the common security of the free nations of the free world.

Military defense is made up of many things. The things that defend the nation or that act for it on the field of battle are many and varied, and as complex as the nation itself. The fighting forces are but the cutting edge of a very great machine, the inspiration and the power for which are found in the hearts of the citizens. All of the various mechanisms that are necessary are represented in our industrial capacity, or economic processes, and so on, so that, when we talk about defending the free world, we are not merely talking about defense in the terms of divisions and battleships and planes. We are talking about what is in our hearts, what we understand with our heads, and what we are going to do as a body. And let me here say, gentlemen, that unless this assumption is correct I am out of place.

We are not attempting to build a force that has any aggressive, any belligerent intent; we are concerned only with one thing. In a world in which the power of military might is still too much respected, we are going to build for ourselves a secure wall of peace, of security.

This very moment I think is a good time to bring up this one thought; what we are trying to do cannot honestly be considered by any other nation as a threat to its existence, as a threat to any peaceful purpose it may have. If any such charge is made in the propaganda of the world, it is for a nefarious purpose, and any kind of attempt or announcement to move against us because of the simple modest actions we are trying to take is merely an excuse. I must say to you that that purpose would have been executed anyway if we did not do it, if that is the only reason they have for moving against us.

The NATO organization foresees and plans for the common defense of the free world with specific reference to those nations on the border of the North Atlantic. Since we are approaching this problem from the welfare

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of the United States I think it well to pause just for a moment to review certain factors with you. These factors are: What is the importance of Western Europe to us? There are, of course, ties of sentiment; they are the people from whom we drew originally our genius, our blood stream; they are our relatives, and there are other bonds beyond those of sentiment that appeal to us in this job of protecting ourselves. We must look at all the common factors.

Behind our faith in them, since that is the basic assumption of the NATO organization, first of all in Western Europe there exists the greatest pool of skilled labor in the world. In Western Europe exists a great industrial fabric that is second in its capacity only to that of our Nation. There are more than 200 million people who are related to us. If we take that whole complex with its potential for military exploitation and transfer it from our side to another side, the military balance of power has shifted so drastically that our safety would be gravely imperiled, grossly imperiled. The significance of the Western European group of nations to us is even greater than that. They have with many areas of the world close blood, political, and economic ties. It is scarcely possible to imagine the fall of Western Europe to communism without the simultaneous fall of certain of these great areas, particularly those, and first those, areas which have a political dependency upon the European powers, the very areas from which we draw the materials which are absolutely essential to our existence, our way of life. No matter how strong we prove in keeping open routes of communication, we must always keep open, clearly we must keep open the areas, keep them open to us when we need their trade in order to exist. Take such items only as manganese, copper, uranium. Could we possibly ever exist without access to them?

I believe that such things as this are tied up in our concern with the Western European complex in our determination—our decision that, as I understand it, has already been made—that we must defend them. But I refer again to the statement I have made, we cannot do this thing alone. All we would be doing would be to disperse our strength throughout the world unless we were sure first that we were being given full cooperation; and, second, that this strength of ours properly placed in other countries will there inspire the growth of still greater power and multiply every single effort that we make by comparable effort on the part of our friends.

As I said a moment ago, military strength is made up of various things of which the fighting forces are merely the cutting edge. One of the greatest factors in this whole thing is morale, and, ladies and gentlemen, almost the rest of my talk will be made up directly or indirectly in discussions of this question of morale, because morale involves understanding, it involves heart, it involves courage, fortitude, basic purpose.

Where my trip comes in is this: What have I been able to find out about the basic intent, the basic purpose, the basic morale of Europe? It is a complex question; and, again, certainly I do not consider that there is anything sacrosanct about the conclusions I have reached. Again I can only say they are honest.

We have heard for many years, five at least, much about the destruction of the European nations, about their material destruction, but above all about their loss of spirit, their loss of will, their unreadiness to do something for themselves. Of course, I think that Americans, in general, have not really tried to blame Europeans for this failure as we have seen it. They have tried merely to explain it. After all, Europe was occupied for 4 years; its industries were destroyed and its people lived in fear of the informer next door. They were crushed; their systems of government were overturned, and they lived according to the dictates of an invader.

The effects of the Marshall Plan have been marked and have been important to the partial rehabilitation of Europe, but it would be false and idle to say that there does not exist in many strata of society pessimism

bordering upon defeatism.

But there is, likewise, evidence, ladies and gentlemen, of a rejuvenation, a growth of determination, a spirit to resist, a spirit again to try to live the lives of free men, to hold their heads up in the world, to do their part and to take the risk. I am going to quote to you a few examples; because I do not ask you to accept such a statement as that at face value, I would rather give you a few examples of the things that influenced my own judgment.

On my arrival in France, I talked with the Government there and found this: That to their conscription law they have now added a proviso that permits almost no exemption for any cause whatsoever. They have made it one of the strictest, most inclusive conscription laws that would be possible to devise. As of this moment, their tour of service is 18 months, but they pointed out to me the very many factors that have limited it from being greater and indicated that one of the most important of these was lack of instructors, capable instructors. They cannot get instructors because they are losing many of them each month in Indochina. But, as that is relieved and they get more equipment, they will go further and extend the tour to 2 years.

They are determined to stand against communism, both internally and externally, with courage in their hearts. Most of it has been inspired, at least it has been strengthened by the consummation of the NATO Treaty. There is no question about that.

I moved into Belgium and found similar determination. In Holland, I received statements of the increased military preparations that they are going to make.

Denmark, exposed as it is way out between the Baltic and North Seas, likewise, is going to do everything that represents their maximum effort.

In Norway, there is no question about the determination of their will to resist. Their attitude is that resistance to the point of destruction is

preferable.

In Rome, it was quite clear that there is a stiffening resolve to meet this issue face on. While they are limited in the amount of their military force by treaty, they have determined to make that force efficient and to put it unreservedly at the command of the NATO powers.

I am not even going to mention my several conversations in Germany and for a very specific reason. I personally think that there has to be a political platform achieved and an understanding reached that will contemplate an eventual and earned equality on the part of that nation before we should start to talk about including units of Germans in any kind of an army. I, certainly, for one commander, want no unwilling contingent, no soldiers serving in the pattern of the Hessians who served in our Revolutionary War, serving in any army I command. Therefore, until the political leaders, the diplomats, and the statesmen find the proper answer, it is not for a soldier to delve in too deeply....

What I am trying to say is that, out of these conferences, I sensed the feeling that there will be a rejuvenation of spirit if we can put ourselves into this thing, not only with the sense that we must do it because there is no acceptable alternative, because standing alone and isolated in a world with the rest completely dominated by communism, our system would have to wither away, our economy could not thrive.

Just stop to consider, ladies and gentlemen, that there are in the free world today—and not counting all of the outlying segments in such places as Australia, New Zealand, South America, and other parts of the free world—in Europe and the North American Continent, alone, there are 350 million people who represent the highest culture man has been able to achieve upon this earth. They are responsible for every advance of science, the arts and culture; they possess great reservoirs of leadership that have not been touched; they possess, on the average, a higher understanding than any other people in the world; they have the greatest productive capacity. Thanks to our great wisdom in keeping the proper strength upon the sea and in the air, we have access to the raw materials that we need. Why, then, are we frightened of totalitarian government? For only one reason, because they have a unity of purpose. True, it is a unity achieved by ignorance, by force, by the NKVD.

What we have got to do, the only thing we have to do, is to meet that unity with a higher type of unity, the unity of free men that will not be divided. Someone in achieving that unity has to take the leadership, and I mean some one nation, not some one individual. We cannot either

individually or at the national level afford to look over our shoulders with a suspicious thought that our friend is not doing as much as we are. We must, by example, inspire and insist and get everybody to do his maximum. The fullness of his performance will be limited by his capacity only. All of us make this problem that of the highest priority.

I do not say, ladies and gentlemen, that that has been achieved. I merely say that, if the presentation I have made of the military situation, the possibilities of development in the whole economic world based upon the loss or the retention of Western Europe within our own wall of security, if those presentations are only reasonably accurate, then, it is clear that we must do this. What nation is more capable, more ready for providing this leadership than the United States? We have been spared much of the discouragement, the defeatism, the destruction that has been visited upon Europe. We are younger, we are fresher, and a further important point is that we are farther removed from the immediate threat. We do not dwell in the gray zone. This strength, as I see it, must grow up in the rear and be pushed out. I do not mean pushed out in the sense that as soon as we produce units they must be deployed all over the world. I mean financial, moral, military, and material strength.

Our friends must know it. Inspired by it and living with it they must produce equal amounts of their own, far more than equal in particular areas. Our view in the central position must be directed to many sectors. We cannot concentrate all our forces in any one sector, even one as important as Western Europe. We must largely sit here with great, mobile, powerful reserves ready to support our policies, our rights, our interests wherever they may be in danger in the world.

The point I make is that Western Europe is so important to our future, our future is so definitely tied up with them, that we cannot afford to do less than our best in making sure that it does not go down the drain.

I repeat that, given the premise that we must produce, there is, then, one element left, time. We must accept, we must always accept this disadvantage militarily, internationally, that goes with peaceful intent and defensive purpose only. Any aggressor picks a day on which he intends to strike, and he builds everything to that point. We have to devise a scheme that we can support, if necessary over the next 20 years, 30 years, whatever may be the time necessary, as long as the threat, the announced threat of aggression remains in the world. That means we must be ready at any time. One of the important times is today and from hereon. As long as we are determined to secure the peace, we have to use, employ, or resort to force and military power. In so doing, let us not forget that there is not a moment to waste.

This brings me to a very important point: One of the great deficiencies in Europe is equipment, military equipment. Not only was all of this

taken away from them in the war, but their facilities, destroyed, damaged as they were, have, since that time, been all occupied in trying to restore some semblance of a decent standard of living to their millions. They have little in the way of munitions productivity although it is growing, and some of it, indeed, is very good.

I believe that the transfer of certain of our units should be in direct ratio to what Europe is doing so that we know that we are all going

forward together and no one is suspicious of the other.

The great need of the moment, as I say, is equipment. The great, the crying need today, as I see it, is equipment, the impedimenta of armies, of navies, of air forces. It must be furnished quickly and properly adjusted to this purpose of ours, the purpose of peace and security, to our ability to carry it forward without insolvency for year after year. I believe that, within those limits, we must now go into the production of equipment exactly as if we were preparing for the emergency of war....

I should like to bring to your attention a few things that I think are important to remember. Enemy propaganda has among other things, as it is reflected in the European press, tried to make it appear that the whole job is hopeless. He has shouted it from the housetops. If they say it is hopeless, they must have a purpose. Let us not believe too freely enemy propaganda, or the propaganda of somebody who wants to defeat our peaceful, our sane, our utterly just purposes. Let us not forget the strength of America, its great people, its history, its broad acres, its productive capacity, its great capacity for leadership. And then let us keep in our minds the kind of organization we shall have when we bind that up heart and soul and in material ways with our friends across the sea.

I come back again for a moment to the question of morale. Nobody can defend another nation. The true defense of a nation must be found in its own soul, and you cannot import a soul. We must make sure that the heart and soul of Europe is right. That is one of the obligations, gentlemen, that is imposed on me and my staff. I cannot conceive that the United States ever consented to accept the responsibility for acting in Western Europe except with those two reservations, that their representatives would do their utmost to see that they were all advancing together and that the United States was not being made merely an Atlas to carry the world upon its shoulders. I can see that each one of you in your great responsibilities as the lawmakers of this Nation has an element and a part of that responsibility individually. But we must not watch that so closely that we fail to get out in front to provide the leadership that will make this thing a complete success.

So this faith in America is one that lies at the bottom of this whole thing. Faith that the leadership she can provide will inspire the same kind of feeling, the same kind of effort in our friends abroad. And, there, I am

sure we must exercise a bit of patience. It takes some time for our purposes—no matter how plainly we think they may be written upon the wall—it takes some time for others to understand those purposes and to gain faith in them. Remember, we have our own doubts and divisions, and we have our own debates. Think how that is multiplied in Europe, where there are 10 of these nations in this organization, and they have all of the nationalistic factors to increase the intensity of the debate. We must have patience. Some of their problems are very, very serious. France, in the war against communism in Indochina, is losing monthly more than half of the men she can produce as instructors, the instructors they need to produce the army in France which they are so desperately trying to do. They have promised, in spite of that, to have by the end of the year 1953, roughly, 25 battle-ready divisions. That is the kind of effort they are making.

Britain has similar things to face. Others, too, have problems. So while we may get a bit impatient when we think they do not see instantly what we are trying to do and what they should do in order to have the effort mutual and equal, we must have patience, ladies and gentlemen. Leadership must have patience or it cannot succeed. . . .

I came back, ladies and gentlemen, with the purpose of rendering just a report. It is not my proper role to be exhorting the Members. I am trying now to make my words those of education; I am trying to make them those of deep conviction that the world, our world, has arrived at a moment of decision. I have come to the conclusion that we can go on following the basic principles of our system safely and surely, subject to the tasks that I have here so briefly tried to outline. We can do it without constituting of ourselves or of our forces a threat to any other nation. Any attempt so to describe it would be for propaganda purposes only.

I close, ladies and gentlemen, on one note only which I have not to this moment mentioned, because it does not lie completely within my province, but it is important. That is our own efforts to let the world understand what we are about, what we are, and sometimes our own efforts to have our own people understand what we are trying to do. In any event, I believe that the United States needs a very, very much stronger information service. In our case, I would not call it propaganda because the truth is all we need. We do not have to falsify the record nor our intentions.

(c) Extracts from a broadcast address by Mr. Herbert Hoover, 9 February 1951¹ Fellow Americans,

I have been urged by many thousands of you to again discuss with you our foreign policies.

A responsibility rests upon me to speak out from fifty years of personal

1 New York Times, 10 February 1951.

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experience with most of the peoples of the free world and with Russia and China. I have been entrusted during thirty-five years with high responsibilities by my countrymen.

I should like to address you through the rose-colored spectacles of

idealism and the need of free nations to defend free men.

But I would be doing my country a disservice if I did not take into

account the realities in this endangered world.

There is nothing sacrosanct about foreign policies as witness the tombstones which have been erected over many of them in the last ten years. They bear the inscriptions Undeclared War, The Alliance with Stalin, Teheran, Yalta, Potsdam, Dismantling of German Peacetime Industry, The Promoting of Mao Tse-tung.

Many men, including myself, have demanded the revision of these

policies at each wrong turning....

In order to reach any conclusions as to the wise course for America to pursue in the critical issues which confront us we must again and again appraise the constantly shifting forces moving in the world.

The problems which we face are of far larger dimensions than the current discussion on sending contingents of American boys to Europe.

Their appraisal must also include:

1. Land war strengths.

- 2. The defense of the American people and the Western Hemisphere.
- 3. Our economic capacity over a long period.
- 4. The United Nations.
- 5. Our policies in the Far East.
- 6. The North Atlantic military alliance.

Policies in these six categories cannot be separated from each other they are all interlocked.

We must appraise the somber facts around these points before we can map a national direction. We must not shrink from clear-minded appraisal of our strengths, our weaknesses and the attainment of the purposes to which Congress has committed us.

We may again appraise as best we can the present military strengths for land war in the world.

I am fully aware of the short-comings of the term 'divisions' as a measuring device for comparative military strength, but it is the nearest to a common descriptive unit that we have.

The Kremlin-directed horde has under arms and in reserves probably 300 combat divisions, with 30,000 tanks. I am now told they have over 20,000 mostly tactical planes and they have with their satellites fifty million men available for cannon fodder.

In World War II, when Russia was without the satellites, the Germans

failed with 240 well-equipped divisions to overcome her. With her allies of General Manpower, General Space, General Winter and General Scorched Earth, she had stopped the Germans even before Lend-Lease had reached her.

The nations of Europe in the Atlantic Pact have at the present moment less than twenty equipped and trained combat divisions available for European action.

There is here a stark reality upon which our foreign policies must be based. With any seeable land forces from non-Communist nations, even including the United States, a land offensive against the Communists could bring no military victory, no political conclusion. But that does not mean that there are no other methods of stopping the Kremlin's ambitions.

The second stark realism upon which our foreign policies must be based is the defense of the Western hemisphere. Its defense is not only in our interests but in the interests of free men everywhere.

Much criticism is offered, even to a discussion of this question. An atmosphere of hurry, rush, anxiety is being developed the effect of which is to make it difficult, if not impossible, for the American people to judge their own situation.

I may say at once that with proper economic action this hemisphere can be made self-contained in critical raw materials. From a long professional career and from years as Secretary of Commerce dealing with such questions, I might qualify in this field.

Further, unless we so dissipate our strength as to become a beaten and crushed people, we will be able to keep sea lanes open.

Moreover, this hemisphere can be defended from Communist armies, come what will. It is still surrounded with a great moat. To transport such invading armies either 3,000 miles across the Atlantic or 6,000 miles across the Pacific would require transport ships and naval protection which the Russians do not possess and could not build or seize, no matter what further countries they occupy. . . .

The third stark realism upon which our policies must be built is our economic capacity. The bleak outlook of the world may well last more than a decade—possibly two of them.

The new budget calls for Federal spending of over \$71,600,000,000. This \$71,600,000,000 alone, plus state and local expenditures, is about 37 per cent of our national income. . . .

The fourth focal point of our thinking must be the United Nations. Our stark reality here is the lack of cohesion and unity in the free nations. Even some of our European Allies are anxious to appease the Chinese branch of the Kremlin on policies of the United Nations.

Despite this, we must not forget that the aspiration of mankind for over a century has been to find peace by collective action against aggressors.

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The United Nations was built on this same central idea as the Concert of Europe and the League of Nations. Halting and faulty as it may be, we cannot abandon this idea and this hope.

But it must be clear that the U.N. for the present will not be a sub-

stantial protection from Communist aggression.

Our men are holding heroically to the mission assigned us by the United Nations in Korea. We are suffering great losses. General Marshall says we must send 15,000 men a month. We cannot yet see the end. But if we were to drive all the enemy out of Korea, how much of our armies must remain there to protect it?

Japan, Formosa and the Philippines are vital links in our national security. This must not be minimized by nations anxious to direct our energies to Europe. We will need retain much military strength in the Pacific to protect those areas.

Certainly there is little stark reality in talking about American ground

divisions in Europe in view of our involvement in Asia.

The sixth consideration in our decisions revolves round the North Atlantic Pact and the proposals to start another American expeditionary land army to Europe.

Current statements stretch this pact far beyond its text. The pact provides that the nations shall aid each other in case of attack. There has been no attack.

Moreover, at the time of ratification of that alliance the Administration, through the Secretary of State and the Chairman of the Foreign Relations Committee, gave positive assurances that under the pact no expeditions of American ground troops would be sent to Europe.

That certainly meant no forces to Europe prior to attack. Our participation, prior to an attack, was to be limited to munitions. The pact being the will of the American people through the Congress, and in the faith of the text and those assurances, I supported the alliance.

But last fall it became evident that the Administration was contemplat-

ing sending ground troops to Europe.

It is also evident that after years of gigantic American subsidies, the European Atlantic Pact nations had done nothing of consequence towards their own defense. Former Prime Minister Churchill had repeatedly and forthrightly stated this fact—the last occasion being only a few weeks ago....

The stark realities in Western Continental Europe are their large Communist parties and the disunities which gnaw at their vitals. Their prejudices prevent taking Spain into the alliance with twenty divisions and the most defensible area in Europe. For some reason Turkey and Greece are excluded from the Alliance.

Equally vital is the fact that there is little hope of adequate land defense

of Europe without West German participation. Two months ago detailed plans and great progress were announced. Now it is decided that West German military participation is out or can wait.

From press reports based on information from European officials and from General Eisenhower's statements, it would appear that his army, including the two American divisions now in Germany, will start with nine or possibly ten divisions; by the end of two years, including American divisions, it would seem to be thirty-five or forty divisions.

The stark reality is that such an army is small compared to the strength

of the enemy.

America is at present the major deterrent to the Kremlin's ambitions of world conquest. There is nothing that Stalin would like more than to get the United States into his clutches by fighting us on the ground in Europe. There lies his overwhelming strength.

Disaster could thus come to the American Hemisphere with no salvation

to Europe.

The American people should have more information before they risk

trying a third expedition of ground troops to Europe.

Any defense line in Europe must be over 400 miles long. Will our responsible leaders make a public statement that the forces so far proposed can defend this line against odds of three or four-to-one? We have tried this in Korea.

Will our responsible leaders tell us whether they contemplate the proposed American contingent as only an instalment? Does not this contribution and our huge increase in the Army budget imply many more American divisions? Do the American people know all the facts?

Despite all these stark realities and these problems, I have believed there is a way to at least an uneasy peace for the world....

I suggest that air power and the navy is the alternative to sending American land divisions to Europe. With our gigantic productive capacity and within our economic strength we can build and sustain overwhelming air and sea forces held on our home ground ready in case of attack.

Stalin well knows we could carry on that kind of war for his destruction

for indefinite years.

The air threat has been during four years the most powerful deterrent to any attack on Western Europe. It is far more powerful than pouring American divisions into the reach of this Asiatic horde.

I am suggesting no attack. I am suggesting the very protection for Western Europe and our own defense which the Senate contemplated when it ratified the Atlantic Pact.

There are other reasons for such a policy—both military and economic. Manifestly if attack on Europe came, the free world would be inferior

in ground forces. Such a ground war would at best be a war of defense.

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In the air we would have the offensive. An air force has range, speed, flexibility and striking power which can come nearer gaining a decision than allied ground armies.

Especially is this true for in an air war the Communist horde would be without a large part of its ground allies, General Manpower, General

Space, General Winter and General Scorched Earth.

The whole Korean tragedy is developing proof that the way to punish aggressors is from the air and sea and not by land armies. It would be infinitely less costly in dead and disaster. The unbearable strain on our economic system will come from trying to do five things at the same time. That is, to maintain armies in the Pacific; to build up an air force; a naval force; to furnish munitions to nations who are determined to defend themselves; and to send land armies to Europe. Our economy cannot carry this load for long. . . .

I can most clearly state the points of foreign policies in which many of us believe at this time by summarizing a program. No program can be

perfect—none without risk. For the present I suggest:

1. We should devote our overwhelming productive power to air and

naval strength and supply of munitions.

2. If the Europeans are attacked, we should be prepared and use such overwhelming air and naval power to the limit and keep it up until they have had enough. The Kremlin knows that we are committed by the Congress to do so. I believe that reserve, if large enough, is Europe's real protection.

3. We should supply munitions to nations doing their utmost to defend

themselves.

- 4. From the starkly realistic, economic, political and military reasons which I have given you, my personal conviction is that we should not create land armies for expeditions into the quicksands of either Europe or China. I do not want to even start on the road to another Korea.
- 5. There are those who think we should send more divisions to Europe for their encouragement even before there is an attack. To them, I urge watchful waiting until much more military strength has been developed by Europe itself and there is more evidence they have resolved their disunities.
- 6. We must reduce our national expenditures to a level we can carry over a long term of years, and at the same time avoid economic disaster which can destroy freedom in America.

Senator Byrd estimates that \$8,600,000,000 of proposed non-defense expenditures in the budget could be reduced or postponed. We should spend all we can afford on air, navy and munitions rather than large armies.

7. We can and must defend Formosa, the Philippines and Japan. We can do it by naval and air forces.

As to Korea, we should demand of the United Nations that they call for a stop of supplies to Communist China by the non-Communist nations.

Since Red China is making war on our American armies, we should free Chiang Kai-shek to do what he wishes in China and furnish him munitions.

8. I proposed three years ago that we should give full independence to Japan and Western Germany under representative governments. During 100 years these nations were the great dams against these Russian-controlled hordes.

In the last war we may have been engaged in a great crusade for freedom of mankind, but we certainly destroyed these two dams. The sooner they are given their independence the sooner, for their own security, they will resume their ancient role.

- 9. Recently I proposed that if the nations of Europe failed we should, as a prudent nation, have in mind a second line of air and naval defense based upon the foreign shores of the Pacific and Atlantic Oceans both North and South, and I may add the Mediterranean and Indian Ocean.
- 10. Congress should recover its constitutional authority over starting wars. It could certainly do so through its powers over the purse.

I have proposed no retreat, no withdrawal. I have proposed no repudiation of treaties or obligations. Rather I have proposed that the pledges to the Congress and the American people be kept. I have proposed that we stop, look and listen before we start on a road of land war that risks the loss of all civilization.

(d) Extracts from a statement by Mr. Thomas E. Dewey made to the Senate Committees on Foreign Relations and Armed Services, 24 February 1951¹

I am deeply sensitive of the honor of your invitation to offer testimony concerning the resolution before the distinguished members of the joint Committees on Foreign Relations and Armed Services. At the outset let me say that I shall not trespass upon your hospitality by posing as an expert in any of the specialized fields of military strategy, diplomacy or economics from which you have heard the testimony of many able specialists. The final decision on the matter before you will rest upon a sum total of all these specialized approaches.

The essence of the matter boils down to one of judgment of what is best for the safety of the United States of America.

The resolution before you is designed, I gather, to instruct the executive branch of the Government that it may dispatch no further ground forces

New York Times, 25 February 1951. The Senate Committees were conducting hearings on S. Res. 8, a resolution, submitted by Senator Kenneth Wherry, to forbid the dispatch of troops to Europe until Congress should have settled a policy. See Congressional Record, 16 March 1951, P. 2547.

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of the United States to duty in the European area without affirmative action of the Congress. This resolution is the culmination of a debate which has occurred periodically throughout American history.

It is interesting historically that the power has been exercised by various Presidents over a period of the last 147 years. These actions ranged from the expeditionary force which Thomas Jefferson sent into Tripoli against the Barbary pirates in 1803, through the bombardment of Shimoseki, Japan, under President Lincoln, the dispatch of 5,000 troops to Pekin by President McKinley during the Boxer Rebellion in 1900, the sending of Marines to Honduras by President Coolidge, to the present action in Korea. The power was exercised by fifteen Presidents no less than twentyfour times.

Despite this imposing array of historic opposition to the resolution before you, let me say immediately that I believe the Congress probably has power by act or by resolution to forbid the use of our armed forces anywhere. The power to raise troops and to withhold or grant funds for their support carries within it the power to withhold approval of their use.

Therefore, I do not oppose the resolution upon any ground of lack of

Constitutional power.

I should like also to have it understood that my opposition to this resolution does not, by any means, imply approval of all aspects of our foreign policy, of the present fiscal policies of the Government, of its wage and price control policies or of the national budget. I am addressing myself solely to the resolution before you.

I oppose it on the broad grounds that its adoption would be unwise in the extreme and would paralyze the capacity of this nation for its own defense. It would discourage and probably terminate the present virile effort developing in Europe for its own defense. It would certainly invite imperialist communism to move into the vacuum we thus created.

I speak solely from the standpoint of the defense of the United States and the preservation of our liberties. It happens that the defense of our liberties coincides with the joint defense of our Allies in the world, with the keeping of our moral commitments and the maintenance of our moral and spiritual leadership in the world.

Without that powerful idealism, which happens to coincide with our own best interest, I doubt if we should long survive the corroding influences which have already brought one-third of the world under the sway of the Red Czar and the Kremlin.

The debate which has developed on this subject seems to me to have been immensely useful. We have made great progress.

I can remember the time—and it seems only yesterday—when many were saying that the Marshall Plan for Europe was Operation Rat-hole. Today the Marshall Plan has been such an immense success that Europe

will, in the year 1951, produce more goods and services than she was expected to produce in the target year 1952. The rehabilitation of devastated Europe has progressed a year and a half ahead of schedule. Already Great Britain has surrendered any claim to further aid under the Marshall Plan.

I can remember the time—and quite recently—when it was being said that to send a single gun to Europe was a mistake because we should be merely presenting it to Stalin.

I can remember the time—and again very recently—when it was being said that any aid to the recognized Chinese Government and any attempt

to hold Formosa was the height of folly.

So far as I know, no one is arguing now for any of these ideas. We have, in fact, achieved the most remarkable unity, first through the adoption of the North Atlantic Treaty and more latterly by the harsh action of events. It would appear that we are now pretty much agreed that Formosa is essential to the defense of both Japan and the Philippines. It is agreed that the security of the British Isles and parts of the Mediterranean area are essential to our defense.

This resolution does not oppose sending ground forces to Formosa, to Japan or Korea, or even to Africa. It does not oppose sending air and sea forces to any of these or even to Europe. The issue has narrowed down to one little toehold of isolationism concerning the sending of ground troops only to one area—Western Europe.

But this is a powerful toehold. It represents the last gasp of effort which speaks for a school of thought which basically would like to withdraw from all the world to our own shores.

This is clear because every leading expert among the three branches of our armed services has testified that the mere use of naval and air forces would never hold Europe against a Russian attack. If Europe were to be lost, then so also would be our bases in Britain, North Africa and the Mediterranean from which our bombers now keep the Russian bear in check.

In the face of this testimony the supporters of this resolution are driven inexorably to the position that they do not believe Europe could be held under any circumstances and do not expect it to be held; that the sending of our air and naval forces is really a waste and that all our ground troops now in Europe are in a position where they could not defend themselves and from which they could not escape.

I am sure that no one would care to admit that our country would so callously treat American fighting men and I am sure that no one actually intends to abandon them. There are 112,000 American ground troops in Germany today, with many more in Austria, Britain, Trieste, North Africa and the Mediterranean. No one has proposed that they be withdrawn and I doubt if any responsible person will do so. That being true, it seems

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to be our inescapable duty to back them up by whatever means are necessary. We have seen enough in our lifetimes of too little and too late. This time let us have the overwhelming force to prevent war instead of inviting it.

The adoption of the resolution before you would be a simple, direct notice to Stalin that we do not intend to back up our men in Europe and

that they and Europe are his for the asking.

We have made this mistake too many times at too great a cost.

The Kaiser launched World War I because he was sure America would not intervene and when we did so we won only at great anguish and bloodshed.

Hitler launched World War II when he was equally sure America would not intervene. When we did so again we won at still greater anguish and bloodshed.

Our Government in substance announced it would not defend Korea. Again a vacuum was created and again the aggressor moved in and again we have intervened with great anguish and bloodshed.

I am here today pleading that we as a nation recognize that we have grown up, and that we accept our responsibilities in advance of events

instead of doing so later when the price is infinitely higher.

I am pleading for this course because it is the only course on earth that will save us from World War III and the total destruction of our civilization.

I am pleading for it because I am so sure that it is the only course which will develop strength so obviously great that the fourteen conspirators in the Kremlin will not dare to plunge this world into the final war of the

atomic age.

I doubt that it is necessary for me to point out that the possibility of all-out aggressive war by the Kremlin is not remote. It is no longer necessary to repel the accusations of those who say that such fear is hysterical or a case of the jitters. Most opinion in this country and abroad realizes that Stalin is not maintaining the largest air force in the world, the largest army in the world and 300 submarines—by far the largest undersea armada in the world—purely for pleasure purposes. No dictator denies his people the very essentials of life to maintain such incredible armed forces unless he expects to use them in all-out warfare at the moment of his own choosing. I conceive it to be our purpose to make sure that the free world is so strong that that moment will not arrive.

Of course, the Kremlin is now waging various limited or little wars. It is waging aggressive war through satellites in Korea, Tibet, Indo-China and Malaya. It is waging a war of nerves against Formosa, Yugoslavia and the countries of the Middle East, against Western Germany and, of

course, all Western Europe.

The Comintern is also waging internal wars against the established governments in practically all of the free nations.

The simple fact is that we are being warred against by the Soviet in every devilish form their ingenuity has been able to devise and we should act with a full realization of that fact.

If this resolution should be adopted it would be taken in every capital in the world, both free and slave, as a signal that the United States has hauled down its flag. The other nations of the world would little understand or care to enquire about the political differences which might have caused the adoption of the resolution or the constitutional questions involved. It would be understood to be a formal adoption by the Senate of the theory that the rest of the world was either indefensible or not worth defending and that we had retreated into fortress America. . . .

I think it is plain that, whether we act from strictly patriotic motives or whether from strictly selfish motives, the security of the free world is absolutely essential to us.

How best shall we go about it? It seems to me that instead of adopting this resolution, which however thin you slice it, implies our withdrawal from the world, we should do the opposite. We should, within the reasonable limits of our capacity, wholeheartedly unite in strengthening materially and spiritually our Allies of the free world.

We should be extremely careful to create no more vacuums into which the conquering Soviet armies can move in the conviction that they will be unopposed.

We should stop sitting in a purely defensive position. No struggle was ever won by defense alone.

We should recognize that we are being warred against and we should take more effective counter-measures.

By this, of course, I do not mean that we should launch what has been inelegantly called a preventive war. We should set about to make the free world so strong that there will be no war.

Our sole objective in this world is peace—peace with honor and liberty. The mood of the world has changed in the last two months. You can almost feel it in the air. We hit bottom last fall, but we have been on the rise ever since.

When we were stripped down to one combat division in the United States and free peoples everywhere trembled at one reverse after another suffered by their forces in Korea, honest men began to wonder, 'What's the use?' It is not communism that gained so much during the period as neutralism.

In nations which have been twice over-run in thirty years, had their youth decimated, their families torn apart, their men put into slave labor, their homes and factories demolished, a wave of pessimism was inevitable.

And then on top of that they felt that the United States—the bulwark of freedom—was not only ineffective as an ally, but untrustworthy because

of reports of rising isolationism here.

All the evidence indicates that the tide has turned. The British are meeting increasing success in Malaya where Communist guerillas seek to cut off our rubber, our tungsten and our tin. The French, who have been losing more officers in Indo-China than they graduate each year, have been meeting increasing success. The success of the Marshall Plan has begun to be felt in Europe and General Eisenhower's trip was unquestion-

ably a great stimulus....

I would not for one moment propose sending one single soldier to Europe if it were not a fact that Europe was moving to defend herself. If I thought, as some seem to think, that Europe was indefensible I would have the courage of my convictions and call for the withdrawal of all our ground armies, air forces and naval installations in Europe immediately. If I believed the world was going to come down about our ears inevitably, then I would say: Let it come down without the unnecessary sacrifice of the boys who are there on the ground and those who would be lost in fruitless naval or air warfare. But I do not hold these defeatist views.

Europe is moving to defend herself. Her people know they must prepare or die. They know they could not stand another invasion and occupation. They know that all the decent leaders would be dead or in Siberia and that Soviet occupation would make Europe a spiritual and human wasteland.

I believe they are becoming thoroughly convinced that America has waked up to the fact that she cannot live alone in the world. They know and believe we have discovered that the ultimate act of folly would be to refuse to send soldiers to keep the peace of the world and then be forced to send countless more to win a world war.

They know that all the past methods of pacifism and compromise and appeasement of dictators failed. They know that every dictator is a craven coward. They know that the only thing he respects is force greater than his own and that with America and Europe standing strong and united we are the greatest force on earth.

I have not dwelt at length upon the spiritual and moral necessities of our situation or upon the fundamental urge we all share to keep alive and strong the cause of human freedom everywhere. I know we all share these aspirations and are differing only on the best means of advancing our mutual faith that human liberty and peace are the greatest objectives of all.

I have absolute confidence that the Congress and the distinguished members of the committees here today will turn back this resolution for withdrawal from the world and will continue moving to keep our country strong and free and at peace.

(iii) Senate Resolution 99—the Connally-Russell Resolution— REGARDING THE DISPATCH OF UNITED STATES TROOPS ABROAD IN IMPLE-MENTATION OF THE NORTH ATLANTIC TREATY, 4 APRIL 1951¹

Resolved, That-

- 1. the Senate approved the action of the President of the United States in cooperating in the common defensive effort of the North Atlantic Treaty nations by designating, at their unanimous request, General of the Army Dwight D. Eisenhower as Supreme Allied Commander, Europe, and in placing Armed Forces of the United States in Europe under his command;
- 2. it is the belief of the Senate that the threat to the security of the United States and our North Atlantic Treaty partners makes it necessary for the United States to station abroad such units of our Armed Forces as may be necessary and appropriate to contribute our fair share of the forces needed for the joint defense of the North Atlantic area;
- 3. it is the sense of the Senate that the President of the United States as Commander in Chief of the Armed Forces, before taking action to send units of ground troops to Europe under article 3 of the North Atlantic Treaty, should consult the Secretary of Defense and the Joint Chiefs of Staff, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Armed Services Committees of the Senate and the House of Representatives, and that he should likewise consult the Supreme Allied Commander, Europe;
- 4. it is the sense of the Senate that before sending units of ground troops to Europe under article 3 of the North Atlantic Treaty, the Joint Chiefs of Staff shall certify to the Secretary of Defense that in their opinion the parties to the North Atlantic Treaty are giving, and have agreed to give full, realistic force and effect to the requirement of article 3 of said treaty that 'by means of continuous and effective self-help and mutual aid' they will 'maintain and develop their individual and collective capacity to resist armed attack', specifically insofar as the creation of combat units is concerned;
- 5. the Senate herewith approves the understanding that the major contribution to the ground forces under General Eisenhower's command should be made by the European members of the North Atlantic Treaty, and that such units of United States ground forces as may be assigned to the above command shall be so assigned only after the Joint Chiefs of Staff certify to the Secretary of Defense that in their opinion such assignment is a necessary step in strengthening the security of the United States; and the certified opinions referred to in paragraphs 4 and 5 shall be transmitted

¹ Department of State Bulletin, 16 April 1951, p. 637. The Senate also adopted S. Con. Res. 18, which is similar to S. Res. 99, except for the last part of paragraph 9 which reads: '... and other resources of Western Germany, Spain, Turkey, and Greece, ...'.

by the Secretary of Defense to the President of the United States, and to the Senate Committees on Foreign Relations and Armed Services, and to the House Committees on Foreign Affairs and Armed Services as soon

as they are received;

6. it is the sense of the Senate that, in the interests of sound constitutional processes, and of national unity and understanding, congressional approval should be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty; and the Senate hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground forces to Western Europe, but it is the sense of the Senate that no ground troops in addition to such four divisions should be sent to Western Europe in implementation of article 3 of the North Atlantic Treaty without further congressional approval;

7. it is the sense of the Senate that the President should submit to the Congress at intervals of not more than 6 months reports on the implementation of the North Atlantic Treaty, including such information as may be made available for this purpose by the Supreme Allied Commander,

Europe;

8. it is the sense of the Senate that the United States should seek to eliminate all provisions of the existing treaty with Italy which impose limitations upon the military strength of Italy and prevent the performance by Italy of her obligations under the North Atlantic Treaty to contribute to the full extent of her capacity to the defense of Western Europe;

9. it is the sense of the Senate that consideration should be given to the revision of plans for the defense of Europe as soon as possible so as to provide for utilization on a voluntary basis of the military and other resources of Western Germany and Spain, but not exclusive of the military and other resources of other nations.

(iv) Extracts from President Truman's message to Congress contain-ING HIS RECOMMENDATIONS FOR A MUTUAL SECURITY PROGRAMME, 24 MAY 19511

Three weeks ago I transmitted to the Congress a request for 60 billion dollars for the United States defense establishment during the fiscal year ending June 30, 1952.

I am now recommending for the fiscal year ending June 30, 1952, a Mutual Security Program as follows:

(1) Military assistance to other free nations in the amount of 6.25 billion dollars.

Department of State Bulletin, 4 June 1951, pp. 883-90.

(2) Economic assistance to other free nations in the amount of 2.25 billion dollars, primarily to support expanded defense abroad.

These amounts compare with 5.3 billion dollars appropriated for military assistance, and 3 billion dollars for economic assistance, in the current fiscal year.

The program for our own Armed Forces and this Mutual Security Program interlock. The one builds upon the other. The purpose of each is the security of the United States—the security of American lives and homes against attack and the security of our rights and liberties as lawabiding members of the world community. . . .

This Mutual Security Program brings together our various foreignaid programs, including the arms aid of the Mutual Defense Assistance Program, economic assistance for Europe—now being directed primarily to support of rearmament—and our economic aid to underdeveloped areas under the Point 4 concept. Every one of these programs has proved its worth.

In preparing the present recommendations, each of these separate programs has been revised in the light of the emergency situation that exists in the world and the extraordinary demands that are being placed on our Nation. The amounts, the geographical areas, and the purposes of the aid have all been chosen in order to bring about the greatest possible increase in the security of the United States and the whole free world.

Under this program, the United States will send tanks, guns, and planes to a number of free countries, in Europe and other parts of the world, which are building up armed forces against the threat of Communist attack. We will also send economic help to a number of countries—economic help ranging from machinery and materials with which to make weapons, to seeds, medicine, and technical assistance with which to conquer communism's allies of starvation and sickness. . . .

The bulk of the assistance under the Mutual Security Program will be military equipment. Most of this will go to our partners in the North Atlantic Treaty, but, in addition, substantial quantities will be supplied to nations in Asia and the Middle East. Military equipment to supplement their own will be provided to countries when they have organized forces which require this equipment in order to become effective fighting units. With our assistance, the free world as a whole will be able to strengthen its military defenses rapidly. Without such aid, the necessary build-up would be dangerously delayed if not impossible.

In addition to supplying military equipment, this program will provide economic aid for a number of countries. In most countries in Europe, and in some countries in other parts of the world, this economic aid will enable the recipients to carry on larger defense programs than would otherwise be possible. In a few cases, some further economic help is

necessary to continue progress toward recovery. In Asia and other underdeveloped areas, this program will enable the people to make headway against conditions of poverty and stagnation which are principal assets of Soviet infiltration.

The condition of the people in the underdeveloped areas would be a matter of humanitarian concern even if our national security were not involved. Major improvement in these conditions is necessarily a longterm process, in which the countries' own efforts, private investment, and public developmental loans should play the largest part. Carefully selected projects of technical assistance and initial development on a grant basis, however, can speed up this process and provide tangible benefits even in the short run.

The underdeveloped countries in Asia, South America, and Africa produce strategic materials which are essential to the defense and economic health of the free world. Production of these materials must be increased. Loans and developmental help are needed. The development of the resources of those countries helps them by raising their standard of living and increasing their resistance to Communist subversion, and helps the whole free world by increasing the supply of raw materials essential to defense and to an expanding world economy.

To enable the underdeveloped areas to expand their production of strategic materials, they must be assured of being able to obtain the essential supplies and equipment they need from our country. Indeed, our entire security program will be successful only if the materials available to the free world are distributed in the way that will best contribute to the build-up of total free world strength. The Mutual Security Program, like the program for our own Armed Forces, has been examined from the standpoint of the availability of supplies, materials, and equipment that are required to carry it out. We believe these resources can and must be made available out of the expanding production of the free world.

In each area, the United States aid which I propose will be a small part of the total resources available for military and economic purposes—but that small proportion is crucial. In all these areas of the world, larger amounts of United States assistance could be put to good use and would pay real dividends. But I have limited the assistance I am recommending to what is absolutely necessary, under the emergency conditions we are in today, to help those countries build essential military and economic strength.

I propose that the total funds required under the Mutual Security

Program be divided as follows [table on p. 35]:

The military aid for Greece and Turkey is included in the amount for the Middle East. The amount of the economic aid for Europe includes the economic aid for Greece and Turkey. For convenience, the estimated requirement for administrative expenses for the entire program—approximately 78 million dollars—is shown as a single figure under economic aid.

The amounts requested for economic aid include 13 million dollars to be furnished the United Nations and the Organization of American States for their technical assistance programs.

MUTUAL SECURITY PROGRAM, 1952 [In millions]

n.									Economic	Military
EUROPE .							•		1,650	5,240
MIDDLE EAST	AND	Nora	THERN	Afri	CA				125	415
Asia	•	•	•	•	•	•	•	•	375	555
LATIN AMERICA		•							22	40
Administrative	Exp	enses							78	•
									0.050	6.050
									2,250	6,250

The economic, as well as the military aid recommended, is grant assistance to be provided through appropriated funds. Loans by the Export-Import Bank will also continue to play an important role in our efforts to assist the economic progress of friendly countries. In order that full use may be made of the opportunities for loans, especially to develop strategic materials, I recommend that the lending authority of the Export-Import Bank be increased by I billion dollars. Not all of the increased lending authority, of course, will be used in the coming year.

With this program of assistance to the total free world effort, we will move forward rapidly toward a situation giving reasonable assurance against aggression.

Moreover, the Mutual Security Program is designed to taper off as soon as our safety will permit. The creation of effective military forces in being, coupled with increased productivity, will make it possible, within a few years, for most areas of the free world to maintain their defenses and sustain their economies without further grant assistance from this country....

Europe

For the security of the United States, for the survival of freedom in the world, free Europe is a critical area that must be defended.

The people of Europe free from Soviet control number 300 million. They operate a great industrial plant, second only to our own. They occupy a uniquely strategic location. They are at once the most tempting prize for Soviet ambitions and our strongest allies in the world struggle for freedom.

The loss of Europe to the Soviet Union would not only be tragic in itself; it would also result in a tremendous shift of world power. It would compel us to convert the United States into an isolated garrison state.

That is why, 3 years ago, when the countries of Europe were trembling on the brink of economic collapse, the United States launched its program

of aid for European recovery.

That is why, 2 years ago, the United States and Canada joined 10 Western European countries-Iceland, Great Britain, Norway, Denmark, the Netherlands, Belgium, Luxembourg, France, Portugal and Italy-in the North Atlantic Treaty, declaring that an attack on one would be considered an attack on all.

The North Atlantic Treaty reflects the basic fact of international life that the freedom of Western Europe and the freedom of North America

are inseparable.

Under that Treaty, defense plans have been developed by the military leaders of the North Atlantic Treaty countries. Under General Eisenhower's central command, a unified army, navy, and air force is being organized for the defense of Western Europe, composed of national forces assigned by individual nations.

The key element in the defense of free Europe is the ability to hold on the ground. Western Europe lacks the insulation of wide oceans. Major preparations must therefore be made to hold its lands—by well-armed manpower on the ground, by the great striking force of airpower, and by a seapower which commands its surrounding waters and important lines of communication.

The European countries themselves are providing the great majority of the forces needed. The United States also has Army, Navy, and Air Force units in Europe, which add to the power of the combined defense forces, and more units will move there, both from this country and from Canada.

Our European partners in the North Atlantic Treaty now have over 2 million men under arms, plus large numbers of trained reserves. The bulk of Western Europe's armed forces are pledged to General Eisenhower's command. Moreover, some of these countries-notably France and Britain-have sizable forces fighting in Malaya, Indochina, and Korea, and have other important overseas defense commitments. The combat power of Western European forces is rising steadily as equipment becomes available and periods of military service are lengthened.

Rearmament will cause a severe drain on the Western European countries. Through their own efforts, national and collective, and with the vital assistance of the Marshall Plan, Western Europe has made a remarkable record of economic recovery since 1947. Production and trade have been restored and financial conditions have been greatly improved. In the free countries of Europe, communism has been checked and thrown back. The original goals of the Marshall Plan have been largely achieved.

But the Western European countries are by no means yet free from the after effects of the most destructive war in history.

They are living on a very narrow economic margin. Whereas our standard of living is nearly 50 per cent. higher than it was before World War II, theirs has only recently reached their prewar levels, which were much lower than ours.

The European countries cannot move rapidly into sufficient large-scale military production to provide all the equipment required for the essential expansion of their forces. Over the next few years they do expect to increase their production of military equipment. In the coming fiscal year, it will be more than double the pre-Korean rate. But the most they can do will not be enough to equip their armed forces on the time schedule necessary for the common defense.

The United States, with its huge and flexible industrial capacity and greater margin for diverting resources to military production, can and should continue to supply military equipment to our allies in Western Europe. In this way, many divisions, air squadrons, and naval vessels can be brought to active duty in the next year or two which otherwise cannot be.

In the immediately coming years, the crucial need is to produce the initial equipment for a very rapid build-up of forces. The expanding European productive capacity will contribute increasingly to this build-up. With this capacity, Europe should be able to meet the smaller continuing maintenance and replacement requirements without substantial outside aid.

The military aid for Europe I am recommending amounts to 5.3 billion dollars. I also recommend economic assistance for this area for the coming year in the amount of 1.65 billion dollars.

Because of the degree of economic recovery which has been attained, the total economic assistance I am requesting for European countries next year—despite the large new burdens of European rearmament—is substantially reduced from the amount we have provided in the current fiscal year.

However, in the free countries of Europe which are rearming, the proposed increases in military production and the building of armed forces will require large diversions of manpower and other economic resources away from production of goods for consumption, for investment, and for export. To carrying these greatly enlarged military burdens, our partners in Europe will be taking measures to increase taxes and mobilize their resources through economic controls. Despite determined efforts in this direction they will need some continuing economic assistance.

Some aid is also proposed for Western Germany, which by its support

of occupation forces is assisting the defense effort and which may later make more direct contributions to the common defense. In Austria and Trieste, which cannot directly contribute to the rearmament effort, but whose economies are handicapped by special difficulties, economic aid must also be continued to maintain political stability. Certain economic assistance for Yugoslavia is proposed to help meet its minimum requirements in maintaining strength against the threat of Soviet imperialism.

This economic aid is critical—that is, it is the essential condition of an increase in European military effort. It should make possible European production many times larger than the amount of the support given.

Middle East

The countries of the Middle East are, for the most part, less developed industrially than those of Europe. They are, nevertheless, of great importance to the security of the entire free world. This region is a vital link of land, sea, and air communications between Europe, Asia, and Africa. In the free nations of the Middle East, lie half of the oil reserves of the world.

No part of the world is more directly exposed to Soviet pressure. The Kremlin has lost no opportunity to stir these troubled waters, as the postwar record amply demonstrates. Civil war in Greece; pressure for Turkish concessions on the Dardanelles; sponsorship of the rebellious Tudeh party in Iran; furthering of fractional strife in the Arab States and Israel—all reflect a concerted design for the extension of Soviet domination to this vital area.

There is no simple formula for increasing stability and security in the Middle East. With the help of American military and economic assistance, Soviet pressure has already been firmly resisted in Turkey and the Sovietinspired guerrilla war has been decisively defeated in Greece. But the pressure against the Middle East is unremitting. It can be overcome only by a continued build-up of armed defenses and the fostering of economic development. Only through such measures can these peoples advance toward stability and improved living conditions, and be assured that their aims can best be achieved through strengthening their associations in the free world.

To these ends, I am recommending 415 million dollars in military aid, for Greece, Turkey, and Iran; a portion of this aid will be available for other Middle Eastern nations if necessary. I am also recommending 125 million dollars in economic aid for Middle Eastern countries, exclusive of Greece and Turkey for whom economic aid is provided as part of the program for Europe. This amount also includes programs of technical assistance to Libya, Liberia, and Ethiopia, three independent states of Africa whose economic problems are similar to those of the Middle Eastern countries.

Continuing military aid for Greece and Turkey will make possible the further strengthening of these countries' large and well-trained armed forces, which have already displayed their valiant resolution in the fight for freedom in Korea. In Iran, continuing military aid is required to help build internal security and defense, together with economic aid to help sustain the Iranian economy and give impetus to the much needed longer-term process of economic development for the benefit of the Iranian people.

In the Arab States and Israel, the fundamental requirement is a regional approach to the basic problems of economic development. This is urgently needed to reduce existing tensions, especially through the orderly settlement of homeless refugees. The program for the Arab States will expand needed food production through the development of land and water resources. The program for Israel will help that country to maintain her economy during an especially trying period of her national development. At the same time, the program of assistance to the Arab refugees from Palestine, which will necessarily extend beyond the coming fiscal year, has the threefold purpose of assisting the settlement of refugees, of strengthening those states wherein they settle, and assisting both Israel and the Arab States by removing this threat to the peace of the area.

The program I am now proposing is a balanced program for strengthening the security of the Middle East. It will make a solid contribution to our hopes for peace.

Asia and the Pacific

In Asia, in a vast arc stretching from Afghanistan to Korea, free countries are struggling to meet Communist aggression in all its many forms. Some of these countries are battling the Communist armies of Soviet satellites; some are engaged in bitter civil strife against Communist-led guerrillas; all of them face the immediate danger of Communist subversion.

Soviet intentions with regard to these countries are unmistakably clear. Using the weapons of subversion, false propaganda and civil war, the Kremlin has already reduced China to the status of a satellite. The Soviet rulers have turned their satellite armies loose on the Republic of Korea. Communist rebellion is raging in Indochina. In Burma, the Philippines, and other places, Communist-inspired groups are stirring up internal disorder. In all countries, they are trying to exploit deep-seated economic difficulties—poverty, illiteracy, and disease.

This campaign threatens to absorb the manpower and the vital resources of the East into the Soviet design of world conquest. It threatens to deprive the free nations of some of their most vitally needed raw materials. It threatens to turn more of the peaceful millions of the East into armies to be used as pawns at the disposal of the Kremlin.

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Aside from immediate consideration of security, the continued independence of these nations is vital to the future of the free world. Many of these nations are new to self-government. They have dedicated themselves to the ideals of national independence, of human liberty, and social progress. Their hundreds of millions of citizens are eager for justice and liberty and a stake in the future.

These countries demonstrate the power and vitality of the ideals of our own American Revolution; they mark the sweeping advance across the world of the concepts of freedom and brotherhood. To lose these countries to the rulers of the Kremlin would be more than a blow to our military security and our economic life. It would be a terrible defeat for the ideals of freedom—with grave spiritual consequences for men everywhere who share our faith in freedom.

All these considerations make it essential for the United States to help the free countries of Asia in their struggle to make good their independence and bring economic and social progress to their people. Where the Governments of these countries are striving to establish free and stable political institutions, to build up their military defenses, and to raise the standard of living above the level of bare subsistence, we can and should give them assistance. We cannot replace their own strong efforts, but we can supplement them.

This Mutual Security Program is intended to do that. On the military side, it will supply certain of the Asian countries with items of military equipment and the training they need for their defense forces. On the economic side, it will provide a number of the Asian countries with the most urgently needed commodities, machinery, and tools, and with technical advice in such fields as agriculture, industry, health, and governmental administration.

The assistance I am recommending for Asian countries, 555 million dollars in military aid and 375 million dollars in economic aid, is so planned as to meet the most pressing needs in the various countries, and is intended to provide the crucial margin of resources which will enable them to move forward.

Military assistance under this program will go to the Chinese armies on Formosa, to help keep that island out of the hands of Communist China. It will go to Indochina, where over 100,000 French troops are fighting side-by-side with the forces of Viet Nam, Laos, and Cambodia against Communist-led forces. It will go to the Philippines and to Thailand, to help build forces strong enough to insure internal security and discourage outside attack. Some of these military assistance funds will also be available for allocation to other countries in the area if a critical need arises.

The military aid under this program will supplement other military efforts against communism in Asia. The countries we will be aiding and

a number of others, are supporting military forces with their own funds. France is supplying the largest part of the military supplies needed in Indochina, and Britain is supplying her forces which are fighting guerrillas in the Malay States. The substantial military aid we are giving to the forces of the Republic of Korea is included in the budget for our military services.

The struggle for security and peace in Asia is far more than a military matter. In many of the Asian countries, including all the countries which need military aid, economic assistance is also required.

These countries urgently need help in their efforts to overcome the desperate conditions of poverty, illiteracy, and disease which are the heart of the Asian problem. It is a terrible fact that poverty is increasing rather than diminishing in much of Asia. Millions of people exist at bare subsistence levels.

The Asian countries are doing what they can on their own to meet this problem. An encouraging proposal affecting a number of these countries is the Colombo Plan for technical assistance and economic development worked out under the auspices of the British Commonwealth. In addition, some aid to Asian countries will be furnished through the programs of the United Nations.

These sources of aid alone will not, however, suffice to reverse the down-ward trend in living standards. Aid from the United States is also necessary.

Sizable programs of technical assistance and capital development are now being carried on by the Economic Cooperation Administration in some of these countries under the Point 4 concept. A portion of the funds I am now recommending will provide for continuing these programs and extending them to other countries. These funds will be used to send out technical experts and equipment needed to improve health, agriculture, transportation, and communications services and assist in the development of natural resources.

In addition, the funds I am now recommending will provide necessary economic support for defense programs in Indochina, Formosa, and the Philippines.

Finally, the economic aid funds I am requesting for Asia include 112.5 million dollars for the United Nations Korean Reconstruction Agency. Together with 50 million dollars which are likely to remain unexpended from funds available for Korean aid for the present fiscal year, these funds will be made available to the Agency at such a time as conditions in Korea permit the reconstruction program to be undertaken.

In preparing these recommendations for economic aid, projects which should be financed by loans have been excluded. The investment of private capital and public loans from the International Bank for

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Reconstruction and Development and the Export-Import Bank will play an important part in the economic progress of Asia, as in other parts of the world.

In the administration of this program, loans, grants, and technical assistance will be meshed together with the plans and efforts of each of the recipient countries for the development of its own resources. Only in this manner can the various kinds of outside aid available to an Asian country be used most effectively and without duplication or overlapping.

These economic programs will have as their goal the creation of conditions eliminating the need for further grant aid for economic development. Such programs look toward the creation of sound government finances and public services, and toward more stable economic and political foundations for raising living standards and creating broader opportunities. It will take time to reach these goals but they must be steadily pursued. Our aid will provide a dynamic force in that direction and will thus contribute strongly to freedom and peace in Asia. . . .

... I recommend this Mutual Security Program to the Congress as another vital step along the road to real security and lasting peace. Peace through collective strength is a difficult course. It is not without danger. There can be no absolute assurance of success. But there are far greater dangers in any other course.

We cannot win peace through appeasement. We cannot gain security in isolation. We will not surrender.

Let it never be forgotten, however, that we are ready as we always have been, to follow the road of peaceful settlement of disputes, of control and reduction of armaments, of cooperation in applying man's talents to the building of a just and prosperous world society.

If the rulers of the Soviet Union did not drown their words of peace with the drums of war, if their professions of peaceful intent were matched by deeds, the century in which we live could become the brightest man has known upon this earth. For our part, if peace could be made sure, the American people would be glad to invest a part of the resources we must now allocate to defense to a large-scale program of world-wide economic developments.

The benefits of such a program would be immense; the cost a small part of what we must now pay to build our defenses at home and abroad. With such a program, we could, in cooperation with other peoples, inaugurate the most hopeful and fruitful period of peaceful development the world has ever seen.

This was our vision 6 years ago, when the war came to a close. Let us never forget it. And let us never give up our hopes and our efforts to make it a reality.

(v) The Kem Amendment—Rider to Third Supplemental Appropriation Act of 1951, approved 2 June 1951¹

Sec. 1302. (a) During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other Act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which exports or knowingly permits the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), arms, or armament or military matériel or articles or commodities which the Secretary of Defense shall have certified to the Administrator for Economic Cooperation may be used in the manufacture of arms, armaments or military matériel, or shipment of which to the Soviet bloc is embargoed by the United States in the interest of national security; and the Secretary of Defense is hereby authorized and directed to so certify to the Administrator for Economic Cooperation any article or commodity of the nature or class described: Provided, That after the 15th day following the date of enactment of this Act and prior to the termination of the period heretofore referred to no country shall be eligible for economic or financial assistance under any such Act unless within thirty days prior to the date on which such assistance is to be provided such country shall have certified to the United States that it has not, subsequent to the 15th day following the date of enactment of this Act, exported, or knowingly permitted the exportation of, arms, armaments, military matériel, articles, or commodities, which are subject to the foregoing provisions of this section, to any of the countries referred to in such provisions: Provided further, That such certification shall not relieve the Administrator for Economic Cooperation or any other officer of the United States Government of responsibility for enforcing the foregoing provisions of this section: Provided further, That exceptions to these provisions may be made upon an official determination of the National Security Council that such exception is in the security interest of the United States: Provided further, That the National Security Council shall immediately report any exception made with reasons therefor to the Appropriations and Armed Services Committees of the Senate and of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, and the National Security Council shall at least once each quarter review all exceptions made previously and shall report its determinations

¹ Public Law 45, 82nd Congress, 1st Session; Department of State Bulletin, 25 June 1951, p. 1027.

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to the foregoing committees of the House and Senate, which reports shall contain an analysis of the trade with the Soviet bloc of countries for which an exception is made.

(b) Section 1304 of the Supplemental Appropriation Act, 1951, is

hereby repealed.

(vi) EXCERPTS FROM THE MUTUAL SECURITY ACT OF 1951, APPROVED 10 OCTOBER 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the 'Mutual Security Act of 1951'.

SEC. 2. The Congress declares it to be the purpose of this Act to maintain the security and to promote the foreign policy of the United States by authorizing military, economic, and technical assistance to friendly countries to strengthen the mutual security and individual and collective defenses of the free world, to develop their resources in the interest of their security and independence and the national interest of the United States and to facilitate the effective participation of those countries in the United Nations system for collective security. The purposes of the Mutual Defense Assistance Act of 1949, as amended (22 U.S.C. 1571–1604), the Economic Cooperation Act of 1948, as amended (22 U.S.C. 1501–1522), and the Act for International Development (22 U.S.C. 1557) shall hereafter be deemed to include this purpose.

Title I—EUROPE

- SEC. 101. (a) In order to support the freedom of Europe through assistance which will further the carrying out of the plans for defense of the North Atlantic area, while at the same time maintaining the economic stability of the countries of the area so that they may meet their responsibilities for defense, and to further encourage the economic unification and the political federation of Europe, there are hereby authorized to be appropriated to the President for the fiscal year 1952 for carrying out the provisions and accomplishing the policies and purpose of this Act—
 - (1) not to exceed \$5,028,000,000 for assistance pursuant to the provisions of the Mutual Defense Assistance Act of 1949, as amended (22 U.S.C. 1571–1604), for countries which are parties to the North Atlantic Treaty and for any country of Europe (other than a country covered by another title of this Act), which the President determines to be of direct importance to the defense of the North Atlantic area and whose increased ability to defend itself the President determines is

¹ Public Law 165, 82nd Congress, 1st Session. For exchanges between the U.S.S.R. and the U.S.A. on the provisions of this Act see below, pp. 317-21.

important to the preservation of the peace and security of the North Atlantic area and to the security of the United States (any such determination to be reported forthwith to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Armed Services of the Senate and the House of Representatives), and not to exceed \$100,000,000 of such appropriation for any selected persons who are residing in or escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Lithuania, Latvia, and Estonia, or the Communist dominated or Communist occupied areas of Germany and Austria, and any other countries absorbed by the Soviet Union either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or for other purposes, when it is similarly determined by the President that such assistance will contribute to the defense of the North Atlantic area and to the security of the United States. In addition, unexpended balances of appropriations heretofore made for carrying out the purposes of the Mutual Defense Assistance Act of 1949, as amended, through assistance to any of the countries covered by this paragraph are hereby authorized to be continued available through June 30, 1952, and to be consolidated with the appropriation authorized by this paragraph. Section 408 (c) of the Mutual Defense Assistance Act of 1949, as amended (22 U.S.C. 1579), is hereby repealed.

(2) Not to exceed \$1,022,000,000 for assistance pursuant to the provisions of the Economic Cooperation Act of 1948, as amended (22 U.S.C. 1501–1522) (including assistance to further European military production), for any country of Europe covered by paragraph (1) of this subsection and for any other country covered by section 103 (a) of the said Economic Cooperation Act of 1948, as amended. In addition, unexpended balances of appropriations heretofore made for carrying out the purposes of the Economic Cooperation Act of 1948, as amended, are hereby authorized to be continued available through June 30, 1952, and to be consolidated with the appropriation authorized by this paragraph: Provided, That not to exceed \$10,000,000 of the funds made available pursuant to this paragraph may be utilized to effectuate the principles set forth in section 115 (c) of the Economic Cooperation Act

of 1948, as amended.

(b) Not to exceed 10 per centum of the total of the appropriations granted pursuant to this section may be transferred, when determined by the President to be necessary for the purpose of this Act, between appropriations granted pursuant to either paragraph of subsection (a): Provided, That the amount herein authorized to be transferred shall be determined without reference to any balances of prior appropriations

continued available pursuant to this section: Provided further, That, whenever the President makes any such determination, he shall forthwith notify the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Armed Services of the Senate and of the House of Representatives.

Title II—NEAR EAST AND AFRICA

SEC. 201. In order to further the purpose of this Act by continuing to provide military assistance to Greece, Turkey, and Iran, there are hereby authorized to be appropriated to the President for the fiscal year 1952, not to exceed \$396,250,000 for furnishing assistance to Greece and Turkey pursuant to the provisions of the Act of May 22, 1947, as amended (22 U.S.C. 1401-1410), and for furnishing assistance to Iran pursuant to the provisions of the Mutual Defense Assistance Act of 1949, as amended (22 U.S.C. 1571-1604). In addition, unexpended balances of appropriations heretofore made for assistance to Greece and Turkey, available for the fiscal year 1951, pursuant to the Act of May 22, 1947, as amended, and for assistance to Iran pursuant to the Mutual Defense Assistance Act of 1949, as amended, are hereby authorized to be continued available through June 30, 1952, and to be consolidated with the appropriation authorized by this section.

SEC. 202. Whenever the President determines that such action is essential for the purpose of this Act, he may provide assistance, pursuant to the provisions of the Mutual Defense Assistance Act of 1949, as amended, to any country of the Near East area (other than those covered by section 201) and may utilize not to exceed 10 per centum of the amount made available (excluding balances of prior appropriations continued available) pursuant to section 201 of this Act: Provided, That any such assistance may be furnished only upon determination by the President that (1) the strategic location of the recipient country makes it of direct importance to the defense of the Near East area, (2) such assistance is of critical importance to the defense of the free nations, and (3) the immediately increased ability of the recipient country to defend itself is important to the preservation of the peace and security of the area and to the security of the United States.

Sec. 203. In order to further the purpose of this Act in Africa and the Near East, there are hereby authorized to be appropriated to the President, for the fiscal year 1952, not to exceed \$160,000,000 for economic and technical assistance in Africa and the Near East in areas other than those covered by section 103 (a) of the Economic Cooperation Act of 1948, as amended (22 U.S.C. 1502). Funds appropriated pursuant to this section shall be available under the applicable provisions of the Economic

Cooperation Act of 1948, as amended (22 U.S.C. 1501-1522), and of the Act for International Development (22 U.S.C. 1557).

Sec. 204. Not to exceed \$50,000,000 of the funds authorized under section 203 hereof may be contributed to the United Nations during the fiscal year 1952, for the purposes, and under the provisions, of the United Nations Palestine Refugee Aid Act of 1950 (22 U.S.C. 1556): Provided, That, whenever the President shall determine that it would more effectively contribute to the purposes of the said United Nations Palestine Refugee Aid Act of 1950, he may allocate any part of such funds to any agency of the United States Government to be utilized in furtherance of the purposes of said Act and any amount so allocated shall be a part of the United States contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and shall be so credited by said Agency.

SEC. 205. In order to assist in the relief of refugees coming into Israel, not to exceed \$50,000,000 of the funds authorized under section 203 hereof may be utilized during the fiscal year 1952, under such terms and conditions as the President may prescribe, for specific refugee relief and resettlement projects in Israel.

Title III—ASIA AND PACIFIC

Sec. 301. In order to carry out in the general area of China (including the Republic of the Philippines and the Republic of Korea) the provisions of subsection (a) of section 303 of the Mutual Defense Assistance Act of 1949, as amended (22 U.S.C. 1604 (a)), there are hereby authorized to be appropriated to the President for the fiscal year 1952, not to exceed \$535,250,000. In addition, unexpended balances of appropriations heretofore made for carrying out the provisions of title III of the Mutual Defense Assistance Act of 1949, as amended (22 U.S.C. 1602–1604), are hereby authorized to be continued available through June 30, 1952, and to be consolidated with the appropriation authorized by this section. Not to exceed \$50,000,000 of funds appropriated pursuant to this section (excluding balances of appropriations continued available) may be accounted for as provided in subsection (a) of said section 303.

SEC. 302. (a) In order to further the purpose of this Act through the strengthening of the area covered in section 301 of this Act (but not including the Republic of Korea), there are hereby authorized to be appropriated to the President, for the fiscal year 1952, not to exceed \$237,500,000 for economic and technical assistance in those portions of such area which the President deems to be not under Communist control. Funds appropriated pursuant to authority of this section shall be available under the applicable provisions of the Economic Cooperation Act of 1948, as amended (22 U.S.C. 1501–1522), and of the Act for International

Development (22 U.S.C. 1557). In addition, unexpended balances of funds heretofore made available for carrying out the purposes of the China Area Aid Act of 1950 (22 U.S.C. 1547), are hereby authorized to be continued available through June 30, 1952, and to be consolidated with the appropriation authorized by this section.

(b) The third proviso of section 202 of the China Area Aid Act of 1950 is amended by inserting 'and of Korea' after 'selected citizens of China'

the first time it appears therein.

Sec. 303. (a) In order to provide for a United States contribution to the United Nations Korean Reconstruction Agency, established by the resolution of the General Assembly of the United Nations of December 1, 1950, there are hereby authorized to be appropriated to the President not to exceed \$45,000,000. In addition, unobligated balances of the appropriations heretofore made, and available during the fiscal year 1951, for assistance to Korea under authority of the Far Eastern Economic Assistance Act of 1950, as amended (22 U.S.C. 1543, 1551, 1552), are hereby authorized to be continued available through June 30, 1952, and to be consolidated with the appropriation authorized by this section. Not to exceed 50 per centum of the total of the appropriations authorized by this section may, when determined by the President to be necessary for the purpose of this Act, be transferred to and consolidated with the appropriation authorized by paragraph 302 (a).

(b) The sums made available pursuant to subsection (a) may be contributed from time to time on behalf of the United States in such amounts as the President determines to be appropriate to support those functions of the United Nations Korean Reconstruction Agency which the military situation in Korea permits the Agency to undertake pursuant to arrangements between the Agency and the United Nations Unified Command. The aggregate amount which may be contributed on behalf of the United States pursuant to the preceding sentence shall be reduced by the value of goods and services made available to Korea by any department or agency of the United States for relief and economic assistance after the assumption of responsibility for relief and rehabilitation operations in Korea by the United Nations Korean Reconstruction Agency.

(c) The provisions of subsections 304 (a) and (b) of the United Nations Palestine Refugee Aid Act of 1950 (22 U.S.C. 1556(b)) are hereby made applicable with respect to Korean assistance furnished under this section.

(d) Unencumbered balances of sums heretofore or hereafter deposited in the special account established pursuant to paragraph (2) of article V of the agreement of December 10, 1948, between the United States of America and the Republic of Korea (62 Stat., part 3, 3788) shall be used in Korea for such purposes as the President determines to be consistent with United Nations programs for assistance to Korea and as may be

agreed to between the Government of the United States and the Republic of Korea.

(e) The functions of the Administrator for Economic Cooperation under the provisions of section 3 of the Far Eastern Economic Assistance Act of 1950, as amended (22 U.S.C. 1551), shall hereafter be performed by such departments or agencies of the Government as the President shall direct.

Title IV—AMERICAN REPUBLICS

SEC. 401. In order to further the purpose of this Act through the furnishing of military assistance to the other American Republics, there are hereby authorized to be appropriated to the President, for the fiscal year 1952, not to exceed \$38,150,000 for carrying out the purposes of this section under the provisions of the Mutual Defense Assistance Act of 1949, as amended: Provided, That such assistance may be furnished only in accordance with defense plans which are found by the President to require the recipient country to participate in missions important to the defense of the Western Hemisphere. Any such assistance shall be subject to agreements, as provided herein and as required by section 402 of the Mutual Defense Assistance Act of 1949, as amended (22 U.S.C. 1573), designed to assure that the assistance will be used to promote the defense of the Western Hemisphere; and after agreement by the Government of the United States and the country concerned with respect to such missions, military assistance hereunder shall be furnished only in accordance with such agreement.

Sec. 402. In order to further the purpose of this Act among the peoples of the American Republics through the furnishing of technical assistance, there are hereby authorized to be appropriated to the President, for the fiscal year 1952, not to exceed \$21,250,000 for assistance under the provisions of the Act for International Development (22 U.S.C. 1557) and of the Institute of Inter-American Affairs Act, as amended (22 U.S.C. 281).

Title V—Organization and General Provisions Unified Direction of Program

SEC. 501. (a) In order that the programs of military, economic, and technical assistance authorized by this Act may be administered as part of a unified program in accordance with the intent of Congress and to fix responsibility for the coordination and supervision of these programs in a single person, the President is authorized to appoint in the Executive Office of the President a Director for Mutual Security. The Director, on behalf of the President and subject to his direction, shall have primary responsibility for—

(1) continuous supervision and general direction of the assistance

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programs under this Act to the end that such programs shall be (A) effectively integrated both at home and abroad, and (B) administered so as to assure that the defensive strength of the free nations of the world shall be built as quickly as possible on the basis of continuous and effective self-help and mutual aid;

(2) preparation and presentation to the Congress of such programs of foreign military, economic, and technical assistance as may be required

in the interests of the security of the United States;

(3) preparation for the President of the report to the Congress required by section 518 of this Act.

(b) Except as otherwise provided by this Act, the Director shall not hold any other office or employment under the United States and shall not have any other responsibilities except those directly related to the coordination, supervision, and direction of the programs covered by this Act or otherwise conferred upon him by law....

MUTUAL SECURITY AGENCY

SEC. 502. (a) The Economic Cooperation Administration and the offices of Administrator for Economic Cooperation, Deputy Administrator, United States Special Representative in Europe, and Deputy Special Representative are hereby abolished.

- (b) To assist in carrying out the purpose of this Act—
- (1) there is hereby established, with its principal office at the seat of the government, a Mutual Security Agency, hereinafter referred to as the Agency, which shall be headed by the Director for Mutual Security; and
- (2) there shall be transferred to the Director the powers, functions, and responsibilities conferred upon the Administrator for Economic Cooperation by the Economic Cooperation Act of 1948, as amended, and by any other law, but no such powers, functions, and responsibilities shall be exercised after June 30, 1952, except as provided in subsection (c) of this section.
- (c) Not later than April 1, 1952, the President shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives which of the powers, functions, and responsibilities transferred to the Director by subsection (b) (2) are found by the President to be necessary to enable the Director after June 30, 1952, to carry out the duties conferred upon him by section 503. The termination provisions of section 122 of the Economic Cooperation Act of 1948, as amended, shall come into effect on June 30, 1952, and none of the powers, functions, and responsibilities conferred by that Act shall be exercised after that date, except those powers, functions, and responsibilities found

necessary to enable the Director to carry out the duties conferred on him by section 503 of this Act, which powers, functions, and responsibilities unless otherwise provided by law shall continue in effect until June 30, 1954.

Additional Duties of Director for Mutual Security

SEC. 503. After June 30, 1952, the Director, on behalf of the President and subject to his direction, shall, in consultation with the Secretaries of State and Defense, continue to have primary responsibility for—

(a) the development and administration of programs of assistance designed to sustain and increase military effort, including production, construction, equipment and matériel in each country or in groups of countries which receive United States military assistance;

(b) the provision of such equipment, materials, commodities, services, financial, or other assistance as he finds to be necessary for carrying out mutual defense programs; and

(c) the provision of limited economic assistance to foreign nations for which the United States has responsibility as a result of participation in joint control arrangements when the President finds that the provision of such economic assistance is in the interest of the security of the United States. . . .

ELIGIBILITY FOR ASSISTANCE

SEC. 511. (a) No military, economic, or technical assistance authorized pursuant to this Act (other than assistance provided under section 408 (e) of the Mutual Defense Assistance Act of 1949, as amended) shall be supplied to any nation in order to further military effort unless the President finds that the supplying of such assistance will strengthen the security of the United States and unless the recipient country has agreed to—

(1) join in promoting international understanding and good will, and maintaining world peace;

(2) take such action as may be mutually agreed upon to eliminate causes of international tension;

(3) fulfil the military obligations which it has assumed under multilateral or bilateral agreements or treaties to which the United States is a party;

(4) make, consistent with its political and economic stability, the full contribution permitted by its manpower, resources, facilities, and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world;

(5) take all reasonable measures which may be needed to develop its defense capacities: and

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- (6) take appropriate steps to insure the effective utilization of the economic and military assistance provided by the United States.
- (b) No economic or technical assistance shall be supplied to any other nation unless the President finds that the supplying of such assistance will strengthen the security of the United States and promote world peace, and unless the recipient country has agreed to join in promoting international understanding and good will, and in maintaining world peace, and to take such action as may be mutually agreed upon to eliminate causes of international tension. . . .

TERMINATION OF ASSISTANCE BY PRESIDENT

Sec. 529. If the President determines that the furnishing of assistance to any nation—

- (a) is no longer consistent with the national interest or security of the United States or the policies and purpose of this Act; or
- (b) would contravene a decision of the Security Council of the United Nations; or
- (c) would be inconsistent with the principle that members of the United Nations should refrain from giving assistance to any nation against which the Security Council or the General Assembly has recommended measures in case of a threat to, or breach of, the peace, or act of aggression,

he shall terminate all or part of any assistance furnished pursuant to this Act. The function conferred herein shall be in addition to all other functions heretofore conferred with respect to the termination of military, economic, or technical assistance. . . .

(vii) Extract from the Mutual Defense Assistance Control Act of 1951, Approved 26 October 1951

Title I-WAR MATERIALS

Sec. 101. The Congress of the United States, recognizing that in a world threatened by aggression the United States can best preserve and maintain peace by developing maximum national strength and by utilizing all of its resources in cooperating with other free nations, hereby declares it to be the policy of the United States to apply an embargo on the shipment of arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war to any nation or combination of nations threatening the security of the United States, including the Union

of Soviet Socialist Republics and all countries under its domination, in order to (1) increase the national strength of the United States and of the cooperating nations; (2) impede the ability of nations threatening the security of the United States to conduct military operations; and (3) to assist the people of the nations under the domination of foreign aggressors to reestablish their freedom.

It is further declared to be the policy of the United States that no military, economic, or financial assistance shall be supplied to any nation unless it applies an embargo on such shipments to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination.

This Act shall be administered in such a way as to bring about the fullest support for any resolution of the General Assembly of the United Nations, supported by the United States, to prevent the shipment of certain commodities to areas under the control of governments engaged in hostilities in defiance of the United Nations.

SEC. 102. Responsibility for giving effect to the purposes of this Act shall be vested in the person occupying the senior position authorized by subsection (e) of section 406 of the Mutual Defense Assistance Act of 1949, as amended, or in any person who may hereafter be charged with principal responsibility for the administration of the provisions of the Mutual Defense Assistance Act of 1949. Such person is hereinafter referred to as the 'Administrator'.

SEC. 103. (a) The Administrator is hereby authorized and directed to determine within thirty days after enactment of this Act after full and complete consideration of the views of the Departments of State, Defense, and Commerce; the Economic Cooperation Administration; and any other appropriate agencies, and notwithstanding the provisions of any other law, which items are, for the purpose of this Act, arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and those items of primary strategic significance used in the production of arms, ammunition, and implements of war which should be embargoed to effectuate the purposes of this Act: Provided, That such determinations shall be continuously adjusted to current conditions on the basis of investigation and consultation, and that all nations receiving United States military, economic, or financial assistance shall be kept informed of such determinations.

(b) All military, economic, or financial assistance to any nation shall, upon the recommendation of the Administrator, be terminated forthwith if such nation after sixty days from the date of determination under section 103 (a) knowingly permits the shipment to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination, of

any item which he has determined under section 103 (a) after a full and complete investigation to be included in any of the following categories: Arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war: Provided, That the President after receiving the advice of the Administrator and after taking into account the contribution of such country to the mutual security of the free world, the importance of such assistance to the security of the United States, the strategic importance of imports received from countries of the Soviet bloc, and the adequacy of such country's controls over the export to the Soviet bloc of items of strategic importance, may direct the continuance of such assistance to a country which permits shipments of items other than arms, ammunition, implements of war, and atomic energy materials when unusual circumstances indicate that the cessation of aid would clearly be detrimental to the security of the United States; Provided further, That the President shall immediately report any determination made pursuant to the first proviso of this section with reasons therefor to the Appropriations and Armed Services Committees of the Senate and of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, and the President shall at least once each quarter review all determinations made previously and shall report his conclusions to the foregoing committees of the House and Senate, which reports shall contain an analysis of the trade with the Soviet bloc of countries for which determinations have been made.

SEC. 104. Whenever military, economic, or financial assistance has been terminated as provided in this Act, such assistance can be resumed only upon determination by the President that adequate measures have been taken by the nation concerned to assure full compliance with the provisions of this Act.

SEC. 105. For the purposes of this Act the term 'assistance' does not include activities carried on for the purpose of facilitating the procurement of materials in which the United States is deficient.

Title II—OTHER MATERIALS

SEC. 201. The Congress of the United States further declares it to be the policy of the United States to regulate the export of commodities other than those specified in title I of this Act to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination, in order to strengthen the United States and other cooperating nations of the free world and to oppose and offset by nonmilitary action acts which threaten the security of the United States and the peace of the world.

SEC. 202. The United States shall negotiate with any country receiving military, economic, or financial assistance arrangements for the recipient country to undertake a program for controlling exports of items not subject to embargo under title I of this Act, but which in the judgment of the Administrator should be controlled to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination.

SEC. 203. All military, economic, and financial assistance shall be terminated when the President determines that the recipient country (1) is not effectively cooperating with the United States pursuant to this title, or (2) is failing to furnish to the United States information sufficient for the President to determine that the recipient country is effectively cooperating with the United States. . . .

B. THE NORTH ATLANTIC TREATY ORGANIZATION

(i) Communiqué by Mr. Charles Spofford, Chairman of the North Atlantic Council of Deputies, on the reorganization of NATO Committees, London, 5 May 1951¹

I. The North Atlantic Council Deputies announce today the adoption by their Governments of new terms of reference for the North Atlantic Council, which will hereafter incorporate the Defense Committee and Defense Finance and Economic Committee and thus become sole ministerial body in organization.

The Council Deputies announce at the same time the creation of a

Financial and Economic Board (FEB), located in Paris.

The North Atlantic Council, as originally established, was composed of the Foreign Ministers of the nations party to the North Atlantic Treaty. Two other ministerial committees were organized, a Defense Committee composed of Defense Ministers and a Defense Finance and Economic Committee composed of Finance Ministers. The only full-time agencies functioning during the early months of NATO (North Atlantic Treaty Organization) were the standing group (made up of representatives of the Chiefs of Staff of France, the United Kingdom and the United States) and the permanent working staffs of the Defense Finance and Economic Committee and of the Military Production and Supply Board, a subordinate organization of Defense Committee.

Experience soon demonstrated the need for a central, continuously functioning body to insure coordination between the work of the various treaty agencies and to facilitate the implementation of agreed plans. The Council

Department of State Bulletin, 21 May 1951, pp. 810-12.

56 THE U.S.A. AND THE NORTH ATLANTIC UNION in May 1950 therefore established the Council Deputies, who first met in July of that year.

II. The Canadian Proposal

Experience also demonstrated the need, particularly as emphasis shifted from planning to the implementation of plans, for a simpler organization with clear lines of authority, for fewer committees and more full-time operating agencies. In the autumn of 1950 the Canadian Government proposed reorganization of NATO to meet this need, and in December the Council authorized the Deputies to study and recommend the necessary changes. The result is the structure announced today.

III. The Reorganized Council

As before, the Council is the principal body in the North Atlantic Treaty Organization and is 'charged with the responsibility of considering all matters concerning the implementation of the provisions of the treaty.' The reorganized Council, however, incorporates not only the Council envisaged by article 9 of the treaty but also the Defense Committee referred to in the same article and the Defense Finance and Economic Committee. Both latter cease to exist as separate entities. The Council will continue to be composed of persons of ministerial rank, although in exceptional circumstances member governments may be represented by other persons duly designated for the purpose. Heads of Governments may attend meetings of the Council in person. Otherwise, Governments will be represented by their Minister for Foreign Affairs and/or the Minister of Defense, or by other competent ministers, especially by those responsible for financial and economic affairs, according to the nature of the agenda.

As hitherto, the Council will meet annually in ordinary session and such other times as may be deemed desirable by the majority of the parties.

IV. Location of Sessions

Location of each session will be determined by the chairman after consultation with the other parties. For general convenience the ordinary annual session will normally be held at about the same time and in the same geographic area as the annual session of the General Assembly of the United Nations. Other ordinary sessions will normally be held at some convenient location in Europe.

V. Chairmanship

The Chairmanship of the Council will continue to rotate in alphabetical order. Paul van Zeeland, Foreign Minister of Belgium, is the present chairman. In order that the Council may effectively carry out its responsibilities and exercise them continuously, each Government is represented

by a Council Deputy. Each Deputy represents all ministers concerned with NATO matters in his Government and is responsible to such minister or ministers as his Government may determine. The Council Deputies, located in London, constitute the permanent working organization of the North Atlantic Council.

VI. The Council Deputies

When the Council is not in session, the Deputies carry out its policies, recommend to Governments the measures necessary to this end, formulate issues requiring decisions by the Council or by member governments and otherwise constitute a body which may register the approval of their Governments on matters before them for consideration.

The Deputies will also be responsible for coordinating the activities of and giving guidance to all other permanent organs of the North Atlantic Treaty Organization, exchange views on political matters of common interest within the scope of the treaty, promote and coordinate public information activities in furtherance of its objectives.

The Chairman of the Council Deputies in addition to presiding at their meetings, is responsible for directing the permanent working staff of the organization.

VII. Military Structure

With the exception of the incorporation of the former defense committee into the Council, the military structure remains unchanged. The Council Deputies will deal directly with the military committee, and, when that body is not in session, with the standing group on political matters having military implications. It will provide those bodies with political guidance upon which strategic decisions should be based. The standing group will maintain close liaison with the Council Deputies and provide that body with advice on military matters.

VIII. Defense Production Board

The Defense Production Board, which was established last December and has its headquarters in London, replaced the Military Production and Supply Board and the subsidiary agencies of that committee. It has as its general objectives the achievement of the maximum production of military equipment in the most efficient manner, at the least cost, and in the shortest time to meet the military material requirements of NATO. These objectives will be sought by coordinating national production programmes so that they will together fulfill NATO-wide production objectives. The Board is directed to concentrate its activities on those aspects of military production and procurement which involve major problems of international cooperation among the NAT members. A unified international

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staff has been organized to serve the Board under a coordinator of North Atlantic Defense Production, who is ex officio a member of the DPB.

IX. Creation of the FEB

The Creation of the Financial and Economic Board (FEB) is another step toward simplifying and making more effective the executive organization of NATO. In this respect it follows the precedent established in the setting up of the Defense Production Board.

According to its terms of reference, the new FEB:

shall be responsible for considering and making recommendation upon financial and economic problems arising in connection with NATO defense programs and upon the best use of financial and economic resources in member countries in support of the common defense effort. It shall advise the other NATO bodies under the Council Deputies on all relevant economic and financial questions arising out of their work.

The FEB will ordinarily address its recommendations to the Council Deputies, but in specified cases these may be sent direct to member governments.

The FEB will succeed to the functions and responsibilities previously belonging to the permanent working staff of the Defense Financial and Economic Committee, the advisory group on raw material problems, and the economic and financial working group, which was set up some months ago in Paris. Among its other tasks, it has been assigned the duty of reporting to the Council Deputies on the financial and economic aspects of progress of defense programs in member countries.

It will also:

maintain close contact with the work of other international organizations dealing with financial and economic problems and in particular with the Organization for European Economic Cooperation (OEEC), having in view the need to avoid duplication of effort.

The FEB will be based in Paris so that it will be able to draw on the experience and skills of the OEEC. It is expected that governments will be represented on FEB by senior members of their delegations to OEEC so that close coordination of activities of these two bodies will be assured.

- (ii) Communiqué issued after the Seventh Session of the North Atlantic Council, Ottawa, 21 September 19511
- 1. The North Atlantic Council has concluded its Seventh Session, in which for the first time the member governments were represented by Department of State Bulletin, 1 October 1951, pp. 523-4.

Foreign Ministers, Defense Ministers and Economic or Finance Ministers. The new composition of the Council reflects the wide fields in which coordination is being steadily developed.

- 2. In an exchange of views on the world situation, note was taken of the growing confidence and strength of the Atlantic community in a world of continuing tension. The Council was informed by the Occupying Powers of the progress of discussions directed toward the establishment of a new relationship with the German Federal Republic. It was also informed of the statement made by the three foreign ministers after their meeting in Washington in which they welcomed the plan for a European Defense Community of which Germany would form part.
- 3. The Council, considering that the security of the North Atlantic area would be enhanced by the accession of Greece and Turkey to the North Atlantic Treaty, agreed to recommend to the member governments that, subject to the approval of national Parliaments under their respective legislative procedures, an invitation should be addressed as soon as possible to the Kingdom of Greece and the Republic of Turkey to accede to the Treaty.
- 4. The Council considered the reports submitted by the military and civilian agencies of the Treaty Organization:
- (a) The Standing Group reported on the establishment and development of the integrated force under General Eisenhower, and progress on other military matters.
- (b) The Defense Production Board reported on the problems relating to the further development of production and recommended means of dealing with these problems.
- (c) The Financial and Economic Board presented a report analyzing the economic and financial impact of the NATO defense effort with special reference to the equitable sharing of the burden.
- (d) The Council Deputies, the permanent working body of the Treaty Organization, reported on their activities in political, organization, and administrative matters and in developing closer co-ordination between the Treaty agencies.
- (e) The Chairman of the Council Deputies summarized the major issues before the Organization and suggested action to meet them.

As a result of the study of these reports, the Council issued guidance and directives to the respective agencies concerning their future work.

5. All member governments recognize as their joint aim the building up defense forces to a sufficient level of strength, and the no less important objective of a sound and stable economy necessary to support that effort. The reports of the Defense Production Board and of the Financial and Economic Board, and the discussion thereon, have indicated a number

of difficulties in the production and economic fields. The member countries recognize the need to surmount such difficulties in order to assure the continued progress of their efforts to strengthen the free world. The Council has noted the danger of inflation, the burdens which increased defense efforts place on the balance of payments, and the obstacles to an adequate defense arising from price and allocation pressures on raw material supplies. The Ministers recognized that the common effort requires a common attack upon these problems, and agreed to take such action severally and jointly as they deem appropriate to find solutions to them.

- 6. Accordingly a temporary committee of the Council was established to survey urgently the requirements of external security, and particularly of fulfilling a militarily acceptable NATO plan for the defense of Western Europe, and the realistic political-economic capabilities of the member countries, with a view to determining possible courses of action for their reconciliation so as to achieve the most effective use of the resources of the member countries.
- 7. The Council received reports from the member governments on the status of the defense effort in their countries and referred them to the military agencies and appropriate commands for study and recommendations to improve the early effectiveness and availability of forces.

8. The Council noted that agreement had been reached on the financing of an 'infrastructure' program of airfields, communications, and certain installations for the support of forces. These projects will continue without

delay.

- 9. The Council has issued a separate statement making clear the importance which the member governments attach to the development of the Atlantic community, not only to safeguard their freedom and common heritage on an equal footing but also to strengthen their free institutions and to advance the well-being of their peoples. The statement announced the establishment of a ministerial committee to study and recommend lines of future action toward these objectives.
- 10. The Council resolved that, in order to develop more effective unity of action, and in accordance with its duties as the institution for forming the policy and directing the operations of the Treaty Organization, its meetings would be held more frequently and at more regular intervals. In order to continue progress on the problems discussed at the Seventh Session, it was agreed that a further meeting of the Council would be held in Rome in the near future.

- (iii) Communiqué issued after the Eighth Session of the North Atlantic Council, Rome, 28 November 19511
- 1. The North Atlantic Council has today concluded its eighth session in Rome. It was a regular meeting of the Council held in accordance with the policy announced at Ottawa of holding frequent meetings to exchange views and to develop more effective unity of action on a continuing basis. It was attended by twenty-eight Ministers of Foreign Affairs, Finance, and Defense.

Pending parliamentary approval of the decision to invite Greece and Turkey to adhere to the North Atlantic Treaty, representatives of those two countries attended the plenary meetings of the Council as observers.

2. The Council considered progress reports from its military and civilian agencies. It instructed the pertinent agencies to put into action certain recommendations of the reports and to continue their work on others with a view to reporting further at the next session of the Council.

3. The chairman and one vice-chairman² of the Temporary Council Committee informed the Council of the progress of the Committee's work directed toward the reconciliation of military requirements with political-economic capabilities. They stated that the Committee's final report and recommendations would be presented early in December for the consideration of member governments and the Council at its next session.

4. The Military Committee, consisting of the Chiefs of Staff of member countries, met in Rome before the Council meeting. The Council considered the reports of the Military Committee, including one on the readiness and effectiveness of NATO forces. The Supreme Allied Commander, Europe, and his Chief of Staff made oral statements.³ The Council exchanged views and took decisions on various military matters dealt with in these reports.

5. The North Atlantic Council received statements with respect to the status of negotiations for the establishment of a European defense community, and the status of negotiations with the German Federal Republic concerning the contractual arrangements to replace the occupation statute.

The Council adopted a resolution expressing its hope that the Paris conference would conclude its activities at the earliest possible moment so that a definitive report could be made to the Council for consideration at its next meeting.

The resolution requested the appropriate North Atlantic Treaty agencies in the meantime to give early attention to the problem of correlating the obligations and relationship of the European defense community with

¹ Department of State Bulletin, 10 December 1951, p. 952.

² Mr. Averell Harriman and Sir Edwin Plowden.

³ See below, p. 219, for General Eisenhower's address.

those of the North Atlantic Treaty so that discussions with the Paris conference on this question may be held and concluded as soon as possible.

6. The Council approved an interim report submitted by the Committee on the North Atlantic community (consisting of representatives of

Belgium, Canada, Italy, the Netherlands, and Norway).

The report stressed the importance of further developing the habit of consultation on matters of common concern. The Council directed that fuller study be given to a number of proposals relating to economic, social, and cultural matters and to the coordination of the activities of NATO civilian agencies with those of other international organizations. In this connection the Council recommended that particular consideration be given to facilitating the movement of labor from member countries with excess manpower to others where it could be effectively utilized.

7. The Council directed the Committee to continue its work. The Council agreed that its next meeting should be held in Lisbon on

February 2, 1952.

C. ADMIRAL OF THE ATLANTIC

(i) Official announcement of the Danish Government's approval of the appointment of Admiral Fechteler as Supreme Allied Commander in the Atlantic, Copenhagen, 19 February 1951¹

The Government, with the approval of the committee on foreign policy, have approved a proposal from the Atlantic Pact Council on the appointment of a supreme allied commander for the Atlantic Ocean. American Admiral W. Fechteler has been selected for the post. When the appointment is made, he will be regarded as ranking equally with General Eisenhower.

(ii) STATEMENT IN THE HOUSE OF COMMONS BY THE PRIME MINISTER, MR. CLEMENT ATTLEE, ON THE ORGANIZATION OF THE NORTH ATLANTIC COMMANDS, 26 FEBRUARY 1951²

I wish to make a short statement on the question of the appointment of a Supreme Commander Atlantic. As I promised when the matter was raised in the House on 22nd February, I have again looked into this matter of the command organisation of the North Atlantic ocean. The House will appreciate that this matter forms only one part of the general plans which are taking shape within the North Atlantic Treaty Organisation under the direction of the Standing Group, which comprises representatives of the United States, United Kingdom and France.

One of the most important features of these plans in relation to the North Atlantic ocean is an agreement on the system of command which

1 The Times, 20 February 1951.
2 H.C. Deb. 5th ser. vol. 484, coll. 1751-4.

will obtain in war. Preliminary arrangements must, however, necessarily be made in peace-time in order to ensure quick and easy transition to war if the need arises.

The area which will be under the Supreme Commander is the North Atlantic ocean, excluding the Mediterranean and British European coastal waters. This ocean will include an eastern and a western area. The eastern area, which for us will be the most vital and crucial, will be under the command of a British admiral, in association with the Coastal Command of the Royal Air Force. This British admiral will be the Commander-in-Chief, Home Fleet—an appointment at present held by Admiral Sir Philip Vian. In his capacity of Commander-in-Chief of the Eastern Atlantic, he would, in time of war, exercise command not only over British Forces, but also over Forces of the United States Navy and those of other North Atlantic Treaty Organisation Powers. Conversely, the American admiral commanding the Western Atlantic would, likewise, control British and other North Atlantic Treaty Organisation Forces.

As the House will no doubt realise, the whole problem embracing both command and areas in the North Atlantic ocean has for some time past been fully discussed in all its details, not only by the British and American Chiefs of Staff, but also by the representatives of the other Powers interested in the Atlantic, namely, France, Canada, Norway, Denmark, Belgium, Holland, Portugal, and Iceland. In the light of the experience of the last war it has been agreed on both sides of the Atlantic that it is of the utmost importance that an overall Supreme Commander for the North Atlantic ocean should be appointed in order that the naval and Air Forces specifically assigned to him, not only from this country and from the United States, but from the other North Atlantic Treaty Organisation Powers, should be used to the best advantage throughout the whole of these waters.

The outstanding lesson of the Battle of the Atlantic in the late war was that the Atlantic is one battlefield in which the mobile threat represented by the submarine must be matched by an equally flexible system of defence. Too often during the last war, we had to wait until serious losses had been incurred, or great opportunities missed while discussion went on in Washington and London about the re-disposition of naval or Air Forces. Thus all our experience of that time proved that there is a need for a single command in the Atlantic which can allocate and re-allocate Forces to meet the shifting threat as it develops. One of the principal duties of the Supreme Commander will be to move Forces to the area where the danger is greatest and to make representations, when the need arises, for the particular requirements of the Atlantic in a global war.

In considering the nationality of a Supreme Commander His Majesty's Government and their Service advisers have had a number of factors to take into account. There is the question of the relative sizes of the various

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naval and Air Forces that the other Atlantic Powers will contribute to the defence of the area. In this connection we have to remember that these Forces are represented not only by the active Forces, but also by potential reserve Forces. We have also to recognise that while the defence of the sea approaches to these islands, and, indeed, of the whole of the Eastern Atlantic, is quite literally a matter of life and death to us, our American Allies are also concerned with the defence of the Western Atlantic.

The House should not forget, moreover, that despite our great naval traditions, the defence of the North Atlantic ocean cannot possibly, in a future war, be undertaken by this country alone. The defence of this great sea area, like the defence of the whole western world, can only be successfully maintained by all the North Atlantic Powers acting in close concert.

Taking these factors into consideration, the Chiefs of Staff submitted recommendations to His Majesty's Government on the command system in the North Atlantic ocean—and I refer now not only to the Supreme Commander, but to the area commanders serving under him—which would best meet the overall needs of Atlantic defence. The arrangements which were recommended will ensure not only that responsibility for the home defence of these islands, including British coastal waters, will remain firmly in British hands, but that a British admiral will be responsible, under the overall command of the American Supreme Commander, for the command of the Eastern Atlantic. The Commander-in-Chief, Portsmouth, has been designated as Commander-in-Chief, Home Station, and will be in sole command of all naval operations in British home waters. The present Commander-in-Chief is Admiral Sir Arthur Power.

His Majesty's Government are satisfied that, in time of war, the proposed arrangements, not only for command, but also for the division of responsibility, will ensure both the defence of these islands and the fullest participation of all the North Atlantic Powers over the whole of the North Atlantic ocean.

In peace, there is no question of our placing any of our naval or air forces in the Atlantic under the command of the proposed Supreme Commander. If, however, these Forces are to be fully ready for their war-time role, they will necessarily have to undergo a measure of combined training in time of peace. For this purpose, the Supreme Commander will assume command for the period of exercises needed to carry out this combined training. He will be served both in peace and war by a fully integrated staff, in which we will be represented at all levels. The Deputy Supreme Commander will be British.

For these reasons, I am entirely satisfied that the Government were right in giving their approval to the proposed appointment of an American admiral as Supreme Commander.

D. CANDIDATES FOR THE ALLIANCE

1. Turkey and Greece

(i) STATEMENT IN THE HOUSE OF COMMONS BY MR. HERBERT MORRISON, SECRETARY OF STATE FOR FOREIGN AFFAIRS, ON THE UNITED KINGDOM'S INTENTION TO SUPPORT THE ADMISSION OF GREECE AND TURKEY TO THE NORTH ATLANTIC TREATY ORGANIZATION, 18 JULY 1951

The House will recall that on 30th May I stated that we were determined to find a solution of Turkey's defence needs which would bring greater strength and security both to Turkey and the West; that we did not exclude the possibility of full North Atlantic Treaty membership; but that we wished to examine the matter carefully and make sure this was the right solution. I explained subsequently that our attitude to Greece was similar. As regards Turkey, the main difficulty has been to reconcile her desire to join the North Atlantic Treaty with her position in relation to the general defence of the Middle East.

His Majesty's Government have now examined the matter fully, and they have come to the conclusion that Turkish and Greek membership of the North Atlantic Treaty Organisation is in fact the best solution. At the same time, they are most anxious that Turkey shall play her appropriate part in the defence of the Middle East. The Turkish Government share this view, and I hope that arrangements will soon be made to associate her fully with plans for the safety of that important part of the world.

In regard to the inclusion of Turkey and Greece in the North Atlantic Treaty, however, I must stress that I am only stating the point of view of His Majesty's Government. There are many countries whose opinions have to be taken into account, and I am not in a position to say how soon a general agreement will have been reached. We are naturally doing our best to achieve agreement on the lines which I have indicated.

(ii) Protocol to the North Atlantic Treaty on the accession of Greece and Turkey, London, 17 October 19512

The Parties to the North Atlantic Treaty, signed at Washington on 4th April, 1949,3

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Kingdom of Greece and the Republic of Turkey to that Treaty,

Agree as follows:

H.C. Deb. 5th ser. vol. 490, coll. 1227-8.

² Great Britain: Foreign Office: Protocol regarding the Accession of Greece and Turkey to the North Atlantic Treaty of 4th April 1949, London, 17th October 1951 (Cmd. 8489) (London, H.M.S.O., 1952).

Documents (R.I.I.A.) for 1949-50, p. 257.

ARTICLE I

Upon the entry into force of this Protocol, the Government of the United States of America shall, on behalf of all the Parties, communicate to the Government of the Kingdom of Greece and the Government of the Republic of Turkey an invitation to accede to the North Atlantic Treaty, as it may be modified by Article II of the present Protocol. Thereafter the Kingdom of Greece and the Republic of Turkey shall each become a Party on the date when it deposits its instrument of accession with the Government of the United States of America in accordance with Article 10 of the Treaty.

ARTICLE II

If the Republic of Turkey becomes a Party to the North Atlantic Treaty, Article 6 of the Treaty shall, as from the date of the deposit by the Government of the Republic of Turkey of its instrument of accession with the Government of the United States of America, be modified to read as follows:—

'For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack—

 on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of Turkey or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

(ii) on the forces, vessels or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.'

ARTICLE III

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of the receipt of each such notification and of the date of the entry into force of the present Protocol.

ARTICLE IV

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the

The Protocol entered into force on 15 February 1952, and invitations were sent to the Greek and Turkish governments on 16 February 1952.

United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.

In witness whereof, the undersigned plenipotentiaries have signed the present Protocol.

Opened for signature at London the 17th day of October, 1951.

For the Kingdom of Belgium:

A. DE STAERCKE,

17 octobre 1951.

For Canada:

L. D. WILGRESS,

17th October, 1951.

For the Kingdom of Denmark:

STEENSEN-LETH,

22nd October, 1951.

For France:

HERVÉ ALPHAND,

22nd October, 1951.

For Iceland:

GUNNLAUGER PÉTURSSON,

17th October, 1951.

For Italy:

A. Rossi-Longhi,

22nd October, 1951.

For the Grand Duchy of Luxembourg:

A. CLASEN,

22nd October, 1951.

For the Kingdom of the Netherlands:

A. W. L. TJARDA VAN STARKENBORGH-STACHOUWER,

17th October, 1951.

For the Kingdom of Norway:

DAG BRYN,

17th October, 1951.

For Portugal:

R. Ennes Ulrich,

17th October, 1951.

For the United Kingdom of Great Britain and Northern Ireland:

F. R. HOYER MILLAR,

17th October, 1951.

For the United States of America:

CHARLES M. SPOFFORD,

17th October, 1951.

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(iii) Exchange of notes between the U.S.S.R. and Turkey on TURKEY'S ACCESSION TO THE NORTH ATLANTIC TREATY

(a) Russian note, 3 November 19511

In connection with Press reports about the decision of the so-called North Atlantic Alliance Council to invite Turkey to become a member of this alliance as well as the intention of the Turkish Government to accept this invitation, the Government of the U.S.S.R. deems it necessary to

state the following to the Government of the Turkish Republic.

The Soviet Government has already pointed out in its official documents that the North Atlantic bloc has nothing in common with aims of the self-defence of States participating in this bloc whom, as is known, no one intends to attack; that this bloc on the contrary pursues aggressive aims and thus cannot serve the causes of strengthening peace and inter-

national security.

Events which have occurred since the establishment of the Atlantic bloc, namely: measures to set up a combined army of the countries participating in this bloc, to remilitarise Western Germany and to include into this combined army the regular army of Western Germany which is being formed with Hitlerite generals at its head, the intensifying armaments drive, establishment and expansion of American military bases on the territory of other States and a number of other military measures, leave no doubt whatever that the Atlantic bloc is an instrument of the aggressive policy of the imperialist States headed by the United States of America.

According to available numerous data, air and naval bases are being set up on Turkish territory under the guidance and with the help of the command and specialists of the United States, with military aerodromes, situated closest of all to the frontiers of the Soviet Union, being built on a broad scale.

Under these conditions it is fully evident that the invitation into the Atlantic bloc of Turkey, which moreover has no relation whatever to the Atlantic, can mean nothing else but a striving of the imperialist States to use Turkish territory for setting up at the frontiers of the Soviet Union military bases for aggressive ends.

The Soviet Government awaits an explanation of the Turkish Government on the questions touched above, having in view that the U.S.S.R. is a State neighbouring on Turkey and, naturally, cannot remain indifferent

to such facts.

The Soviet Government also deems it necessary to draw the attention of the Turkish Government to the responsibility the Turkish Government takes upon itself by entering the aggressive Atlantic bloc and permitting

Turkish territory to be used for setting up foreign military bases at the frontier of the Soviet Union.

(b) The Turkish reply, 12 November 19511

The interpretation, contained in the Soviet note, of the aims followed by the Atlantic community does not correspond in any way to the real facts. The continuing international tension and the fact that, in its present state, the United Nations Organization does not dispose of adequate means of protecting peace and security to the extent necessary, have led many countries collectively to guarantee their own security. The Atlantic Pact, born of this necessity and organized in accordance with the spirit and letter of the United Nations Charter, has a strictly defensive character. The assertion that such a pact could have aggressive aims towards any country is therefore untenable.

In that part of the Soviet communication which deals directly with Turkey there is an attempt to reverse the respective positions of the countries in reference to the cause of peace and world security. Turkey, which at all times has shown by its own actions that it is a country essentially devoted to peace, aims, by its adhesion to the Atlantic community, only at guaranteeing its own national security, in the framework of collective security, against any aggression. The same, moreover, could not be said of the Soviet Union or of those States which are closely bound to it, if one considers the general policy followed by them and the military preparations undertaken for many years in their territories under the direction of Soviet specialists.

The military measures adopted by Turkey are not directed against any country; they comprise only defensive measures arising solely from the necessity of safeguarding the country and limited by the right of selfpreservation which is recognized by international law as the chief of the fundamental rights of any sovereign State. Turkey adopted these lawful measures at a time when there was not yet any prospect of its admission to the Atlantic Pact. Therefore, to seek to establish a relation between these measures and the entry of Turkey into the Atlantic community and to maintain that responsibility devolves upon Turkey on this account is to make an assertion which is utterly unconfirmed by the facts.

Turkey, which has set before itself as its principal objective the peaceful assurance of a better standard of living and the well-being of its people, has certainly not acted under the impulse of an imaginary fear in adopting the above-mentioned military measures, which considerably hamper the realization of these objectives and, moreover, impose heavy financial burdens for years. If the Soviet Government would examine the questions

¹ Translated from Relazioni Internazionali (Milan, Istituto per gli Studi di Politica Internazionale), 15 December 1951, p. 968.

objectively, it would recognize that Turkey has serious reasons for occupying itself with its own security. It cannot be denied that it finds itself faced with demands which endanger at once its independence and its territorial integrity.

In these circumstances the Turkish Republic, conscious that in world public opinion it bears no responsibility for the cooling of Turkish-Soviet friendship, is convinced that by acceding to the Atlantic Pact, whose end is, without any doubt, the safeguarding of world peace, it will serve not only the cause of its own security but also—by discouraging those who may cherish aggressive aims—the cause of the peace and safety of all peoples.

(c) Further Russian note, 30 November 19511

In connection with the Turkish Government's reply transmitted on November 12 of the current year by the Vice-Premier and Acting Foreign Minister of the Turkish Republic, Mr. Agaoglu, to the U.S.S.R. Ambassador to Turkey, A. A. Lavrishchev, the U.S.S.R. Government considers it necessary to state the following:

In view of Turkey's intention of joining the Atlantic bloc, and the work carried through under the guidance and with the assistance of the United States Command and specialists for the construction of air and naval bases on Turkish territory, the Soviet Government declared to the Turkish Government on November 3 of the current year that the U.S.S.R., being a State neighbouring on Turkey, naturally cannot remain indifferent to such facts. At the same time the Soviet Government drew the attention of the Turkish Government to the responsibility which it assumes by joining the aggressive Atlantic bloc and permitting the utilisation of Turkish territory for the setting up of foreign military bases on the borders of the Soviet Union.

In its reply the Turkish Government attempts without proof to deny the aggressive nature of the Atlantic bloc. It passes in silence the question of the construction of American military bases on Turkish territory, and makes an attempt to represent Turkey's joining the Atlantic bloc and the military measures carried through on Turkish territory as the Turkish Government's striving to assure the security of Turkey. Trying to justify the aggressive policy of the organisers of the Atlantic bloc, the Turkish Government at the same time repeats long-exposed slanderous fabrications concerning the foreign policy of the Soviet Union, a policy which, as is known, has the purpose of strengthening peace and co-operation among peoples.

The attempts of the Turkish Government to justify Turkey's joining the aggressive Atlantic bloc and simultaneously to defame the peaceable foreign policy of the Soviet Union were evidently required by the Turkish

¹ Soviet News, 4 December 1951. The Turkish Government did not reply to this note.

Government in order to mask from public opinion the actual nature of the Turkish Government, which is drawing Turkey into implementing the aggressive plans of the Atlantic bloc levelled against the U.S.S.R. and other peace-loving countries.

The desire of the Turkish Government to join the Atlantic bloc, and also the intensified construction of American military bases on Turkish territory, including areas adjoining the frontiers of the Soviet Union, completely refute the assertion of the Turkish Government in the above-mentioned

Statement as regards the peaceable aims of its policy.

The reply of the Turkish Government to the enquiry of the Soviet Government thus shows that the Turkish Government is not taking any measures so that Turkish territory should not be utilised for the setting up of military bases at the frontiers of the Soviet Union for aggressive purposes. In view of this the Soviet Government cannot acknowledge the reply of the Turkish Government as satisfactory, and resolutely rejects all attempts of the Turkish Government to justify its actions by slanderous references to an invented threat on the part of the U.S.S.R.

The Soviet Government considers it necessary to draw the attention of the Turkish Government to the fact that its policy of drawing the country into the aggressive plans of the Atlantic bloc levelled against the Soviet Union will undoubtedly cause serious harm to the relations between Turkey and the Soviet Union, and that the responsibility for the consequences of such policy will rest completely with the Turkish Government.

2. Spain

(i) STATEMENT IN THE HOUSE OF COMMONS BY MR. ERNEST DAVIES, UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS, ON SPAIN'S RELATION TO THE DEFENCE OF EUROPE, 20 FEBRUARY 1951¹

I listened carefully to the speech of the hon. Member for Winchester (Mr. Smithers), but I find myself unconvinced by the arguments he put forward. Both he and my hon. Friend the Member for Islington, East (Mr. E. Fletcher) referred to what my hon. Friend called the 'emotional hangover'. I think that time does not eliminate evil, but that the emotions felt at the time of the Spanish Civil War linger on because they were real emotions shared by a great number of people throughout the world. The mere fact that time has passed and that the international situation is what it is today does not mean that those emotions were wrong or should now be ignored.

The hon. Member for Winchester referred to the political situation and said he did not mind what was the political colour of the Spanish Government as we needed their help and he wished that they should be brought

into Western defence. He thought our prejudices against the Franco régime should not prevent us bringing Spain in to make some contribution towards Western defence. I find frequently that Members of the Opposition when they do not like certain principles call them prejudices. I think that is the case on this occasion.

The hon. Member for Winchester referred to the important statement made by the United States Secretary of State, Mr. Dean Acheson, but I would like to point out to him that Mr. Acheson himself made it quite clear that Spain's relations with Western defence plans depended upon the actions of many nations, as well as those of Spain herself; that, clearly, it would be a matter which would have to be discussed in due course through the proper N.A.T.O. channels, and that the decision as to whether Spain shall come into N.A.T.O. or not clearly rests with all the members of the North Atlantic Treaty Organisation. The question of Spanish participation in Western defence, therefore, closely concerns all members of N.A.T.O., and it cannot be decided by unilateral action.

Mr. George Ward (Worcester): We can set an example.

MR. DAVIES: An example cannot be set by bringing Spain in because no one member of N.A.T.O. can bring Spain in. It would require all the N.A.T.O. countries to agree.

There are practical and political considerations which, I am sure, the United States Secretary of State would be the first to recognise. First, there is the practical strategic issue, to which the hon. Member for Winchester referred. I do not want to enter into strategic considerations, but the question is where the strategic interests of N.A.T.O. compared with the armed strength of the U.S.S.R. and her satellites would benefit from the intervention of Franco Spain at present. The Atlantic Treaty is an alliance of non-aggression and plans the defence of the Western democracies on the basis of defence in central Europe itself. The strategic interests of, and the arrangements worked out in Western defence do not require, nor are they dependent upon, anything which Spain has to offer. Spain is not a party to the Atlantic Treaty, and arrangements are being made without her at this time. His Majesty's Government are of the view that the strategic interests arising from these arrangements do not depend in any way on Franco's help, and our efforts are capable of defending Western Europe without it....

I was about to say that, in the matter of this strategic issue, the Spanish forces are notably ill-equipped, and that equipment is a prime requirement of all the Western European armed forces. Until the needs of N.A.T.O. countries have been fully met in this respect, there is very little prospect of the Spanish armed forces being so equipped as to make them a useful contribution to Western European defence.

But there is also the political aspect, which is of equal importance with

the strategic one. Whatever views are taken on the ultimate contribution which Spain could render to Western defence, the political implications must be taken into account. I would remind the House that the Atlantic Treaty is primarily for democratic Powers and the preservation of their way of life; and that way of life includes the basic freedoms, which are always absent in totalitarian régimes. Let me remind right hon. and hon. Members of the preamble to the Atlantic Treaty:

'To safeguard the freedom, common heritage, and civilisation of their peoples, founded on the principles of democracy, individual liberty, and the rule of law.'

Those things are absent from Franco Spain at the present time.... I would add that the longings of the peoples of the free world, or of N.A.T.O., to preserve our way of life would be weakened by a too ready acceptance of those countries whose régimes are contrary to those which N.A.T.O. exists to preserve. The moral basis of N.A.T.O. might be weakened rather than strengthened by the inclusion of forces as opposed to the democratic way of life as is Communism itself. To be anti-Communist, as Spain unquestionably is, is not alone enough to justify inclusion in an alliance of democratic countries for the preservation of peace.

I would add one further political point. We do not want to do anything which would discourage those forces inside Spain and those Spanish forces outside Spain, which have looked to the democracies for encouragement and which have faith in democracy. If we do anything at this stage whereby we destroy the faith of these people, who want to bring democracy back to Spain, then we would be doing a grave harm to democracy and to the Spanish people who believe in it.

I would add that it is quite possible that if we betrayed the democratic forces in Spain or gave the impression that we were betraying them, then we might well drive Spain into the hands of the Communists or into the Communist camp, and thereby destroy the very thing we are trying to preserve, which is democracy itself. We would drive Spain away from the democratic camp into Communist hands and, in that way, destroy the possibility of having Spain ultimately as a democratic Ally.

On balance, the view of His Majesty's Government is that at present an association of Spain with the Atlantic Defence Organisation would not strengthen the collaboration of the democratic countries against Soviet expansionism. On practical grounds, it would hinder the building up of our own position of strength to supply arms to Spain when the armies of the Western Powers are not fully equipped.

On political grounds, the close association of an undemocratic Spain with the Western Powers would not serve the cause of the Western democracies if it weakened the moral basis which unites them and further if it hindered the ultimate return of Spain to democracy, which all the Western

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democracies desire. It is because the views of His Majesty's Government on political conditions in Spain have not changed, because we stand by the original resolution of the United Nations, that we cannot accept the arguments which have been put forward by hon. Gentlemen opposite for ignoring the political situation in Spain and ignoring the aspirations of the large numbers of Spanish people who wish to see democracy return to Spain, and cannot agree, at this stage, to a revision of our policy in regard to the inclusion of Spain in N.A.T.O.

(ii) STATEMENT BY MR. DEAN ACHESON, UNITED STATES SECRETARY OF STATE, ON THE IMPORTANCE OF SPAIN TO THE DEFENCE OF EUROPE, 18 July 1951¹

Admiral Sherman's interview with General Franco on Monday has caused widespread speculation in the press, both here and abroad. The facts are as follows:

Military authorities are in general agreement that Spain is of strategic importance to the general defense of Western Europe. As a natural corollary to this generally accepted conclusion, tentative and exploratory conversations have been undertaken with the Spanish Government with the sole purpose of ascertaining what Spain might be willing and able to do which would contribute to the strengthening of the common defense against possible aggression.

We have been talking with British and French Governments for many months about the possible role of Spain in relation to the general defense of Western Europe. We have not been able to find a common position on this subject with these Governments for reasons of which we are aware and understand. However, for the strategic reasons outlined above, the United States has initiated these exploratory conversations.

Any understanding which may ultimately be reached will supplement our basic policy of building the defensive strength of the West. It has been and is our firm intention to see to it that if Western Europe is attacked it will be defended—and not liberated. The presence of American armed forces in Western Europe bears witness to this intent as does the appointment, at the request of our NATO Allies, of General Eisenhower as Supreme Commander.

We are sending vast amounts of military and other aid to these Allies for whom a clear priority has been established. There will be no change in this procedure. In other words, the North Atlantic Treaty is fundamental to our policy in Europe and the closest possible co-operation with our NATO Allies will remain the keystone of this policy.

¹ Department of State Bulletin, 30 July 1951, p. 170.

(iii) STATEMENT IN THE HOUSE OF COMMONS BY MR. DAVIES ON THE UNITED KINGDOM'S ATTITUDE TO THE RELATION BETWEEN SPAIN AND WESTERN EUROPE, 25 JULY 19511

It is the view of His Majesty's Government that the strategic advantages of establishing any closer association between Spain and the West are outweighed by the effects which such an association would have on the morale of the other members of the Western community. These views have been made known to the United States Government who, however, take the contrary view. There is no question at present of Spain's admission to the North Atlantic Treaty.

(iv) Extract from a communiqué issued by the Spanish Ministry of Foreign Affairs protesting against the attitude of the United Kingdom and France towards the Spanish-United States talks, 28 July 1951²

In view of the attitude of the British and French Governments concerning Spain-United States conversations, the Spanish Embassies in London and Paris, acting under instructions from the Spanish Foreign Ministry, have lodged protests respectively with those Governments.

The protests lodged make it clear that the Spanish people and their Government entirely reject these new attempts at interference on the part of the British and French Governments in a matter which concerns Spain's sovereign right to hold direct relations with another power.

E. ITALY

1. The Revision of the Italian Peace Treaty

(i) Communiqué issued after the Franco-Italian talks at Santa Margherita, 14 February 19513

Les présidents du Conseil et les ministres des Affaires étrangères de France et d'Italie se sont rencontrés à Santa-Margherita les 12, 13 et 14 février, en vue d'examiner les problèmes intéressant en commun les deux pays.

C'est, depuis le mois de mars 1948, la troisième conférence entre ministres des Affaires étrangères français et italiens auxquels, cette fois, se sont joints les présidents du Conseil. Ces rencontres, qui sont appelées à se renouveler dans l'avenir, marquent par leur répétition l'intention des deux pays de coordonner périodiquement leur politique dans le cadre européen et atlantique.

¹ H.C. Deb. 5th ser. vol. 491, col. 440.

² New York Times, 29 July 1951.

³ L'Année Politique 1951 (Paris, Éditions du Grand Siècle, Presses Universitaires de France, 1952), pp. 623-4.

Continuant l'œuvre commencée aux conférences de Turin et de Cannes, dont les conclusions conservent pour eux toute leur valeur, les ministres ont passé en revue les principales questions internationales et l'état des

rapports italo-français.

Ils ont tout d'abord constaté que l'état du monde exige, de la part des nations occidentales et en particulier des pays membres du Pacte atlantique, la ferme résolution de maintenir une solidarité intime en vue de faire échec à toutes manœuvres destinées à désagréger l'unité atlantique. Convaincus que c'est dans cette voie seulement que pourra être sauvegardée la paix, dont le maintien est leur objectif commun, de même que celui de leurs alliés, ils sont convenus de s'employer à résoudre d'un commun accord les problèmes qui se poseront dans le cadre du Pacte atlantique pour l'organisation de la défense commune et pour le réarmement commun qu'ils entendent poursuivre avec la plus grande énergie.

En ce qui concerne l'armée européenne, les ministres ont constaté l'intérêt considérable que présente la conférence qui va s'ouvrir à ce sujet

à Paris.

Sans retarder l'application des mesures prévues pour l'organisation de la défense, dans le cadre du Pacte atlantique, l'heureux aboutissement de cette conférence constituera une nouvelle étape importante pour l'orga-

nisation de l'Europe.

La réalisation de l'Europe, dans laquelle l'Allemagne démocratique trouvera sa place, constitue en effet, dans la pensée des ministres, un des objectifs essentiels et une des directives constantes de la politique des deux gouvernements, qui y voient le moyen le plus sûr d'assurer la paix et le progrès économique et social par l'élévation du niveau de vie des populations.

Ils ont souligné que le Conseil de l'Europe ne doit pas hésiter à s'engager dans des voies nouvelles. Ils travailleront ensemble à édifier progressivement l'Europe grâce, en particulier, à la création d'autorités spécialisées dans les divers domaines: charbon et acier, agriculture, transports, électricité, etc.

Les ministres ont été unanimes à souhaiter que l'Italie, qui remplit toutes les conditions prévues par la charte, soit admise à l'O.N.U. le plus tôt possible afin que lui soit assurée la place que justifie aussi bien la contribution qu'elle a apportée durant des siècles à la civilisation occidentale que l'assistance efficace qu'elle prête dans tous les domaines à l'œuvre commune.

Ils ont exposé leurs vues sur les questions qui pourront se poser au cours de la prochaine conférence des quatre ministres des Affaires étrangères.

En conclusion de cet examen des questions générales, les ministres ont reconnu la nécessité pour les deux gouvernements de rester en contact au moyen d'échanges d'informations et de consultations périodiques.

Passant aux questions plus spécifiquement franco-italiennes, les ministres ont constaté que le projet d'union douanière entre la France et l'Italie, s'il n'a pas encore été approuvé par les Parlements, a déjà conduit à un développement remarquable des échanges commerciaux entre les deux pays. Le commerce entre l'Union française et l'Italie est passé, de 1947 à 1950, de 13 à 147 milliards de lires au bénéfice des deux nations. C'est ainsi qu'en ce qui concerne le soufre, si important pour la viticulture française, la France, qui avait reçu 26.000 tonnes de l'Italie en 1950, en recevra 60.000 en 1951. D'autre part, les relations entre les différentes catégories professionnelles se sont considérablement étendues.

De l'avis des ministres, cette collaboration entre les deux pays doit se manisester, à la sois, par une harmonisation de leur politique économique, de leur production en vue de l'exécution des programmes de réarmement, de leur lutte contre l'inflation et la hausse des prix, et par l'établissement entre

eux de consultations suivies sur les questions économiques.

En ce qui concerne les matières premières, ils ont marqué tout particulièrement leur souci commun que l'organisation internationale des matières premières, qui est en cours de réalisation, entre en action dans le plus bref délai et soit dotée des pouvoirs nécessaires pour assurer une répartition équitable des productions entre tous les pays intéressés et pour ramener les prix à un niveau raisonnable.

Ayant passé en revue l'activité de l'O.E.C.E., ils sont convenus de poursuivre leur coopération étroite pour faire aboutir les projets tendant à la

création de marchés élargis.

Les ministres ont examiné les problèmes que pose la signature prochaine du plan Schuman. A cette occasion, ils ont pris acte avec satisfaction d'un accord conclu entre les deux gouvernements au cours de la conférence pour la fourniture de minerai de fer africain à la sidérurgie italienne.

Ils ont examiné un certain nombre de questions particulières dont celles intéressant les populations frontalières et ont décidé de donner des instructions aux administrations intéressées pour en hâter la solution. Ils ont décidé que, passé un certain délai, des questions, dans tous les cas où ce recours est possible, seront soumises à la procédure de conciliation. Ils ont également résolu de presser la conclusion des conventions générales (telles que la convention d'établissement, la convention consulaire, etc.) en cours de discussion.

Le problème de l'émigration italienne a été évoqué. Les ministres français, conscients de son importance et de l'intérêt que sa solution présente également pour la France, se sont déclarés prêts à faciliter cette solution dans toute la mesure du possible, sur le plan international, et à étudier les possibilités de règlement existant dans la métropole et l'Union française.

Ils ont présenté, à cet égard, des suggestions concrètes en vue de

l'institution d'une collaboration permanente et organique; ces suggestions seront soumises très prochainement à l'étude d'experts français et italiens.

Enfin, les ministres ont pris acte avec satisfaction des résultats positifs de la récente réunion à Paris de la commission mixte instituée par l'accord culturel franco-italien et des progrès importants du développement des échanges intellectuels et artistiques entre les deux pays. Ils ont le ferme propos de développer les échanges entre jeunesses scolaire, ouvrière et agricole des deux nations.

L'atmosphère de cordialité et de confiance qui a régné au cours de la conférence a fourni une nouvelle preuve que les intérêts et les idéaux des deux peuples ne peuvent désormais être satisfaits que par une loyale action commune au service de la démocratie, de la liberté et de la paix.

(ii) Extract from a speech by the Italian Foreign Minister, Count Carlo Sforza, asking for the annulment of the military and other clauses of the Peace Treaty, Genoa, 20 May 1951¹

The movement for the revision of the treaty has in Italy a moral foundation. This springs from the logical feeling of the people who having first given numerous proofs of industry and equilibrium to-day call for a new explicit formulation of the different climate created between Italy and the free nations of the West.

Italians remember that already at the signing of the treaty the United States and the South American governments, impelled by their respective public opinions, showed the wish to relieve Italy of the oppressive clauses imposed on her; that some nations did not wish to adhere to the treaty, holding that it was too harsh; that on the occasion of its ratification, President Truman and secretary Marshall declared that Italy might work for the revision of the treaty and that they expressed the intention of contributing to the modification of some of its conditions: that successively other nations presented a note for its revision to the United Nations and that the United States confirmed on that occasion that there were some unsatisfactory conditions which required revision.

The idea of revision, left in suspension from the judicial point of view, has continued to make notable progress in the international conscience, and particularly in the United States, England, France and Latin America has its moral foundation been recognized. This is not only the opportune moment—for which the Department of State has been waiting—in which to discuss action for the revision of the Treaty; but it is urgent also to attack the problem in its entirety not limiting it to the military clauses. The justified attitude of the western Powers towards Germany and Japan, threatens, however, to create discrimination for Italy. In the immediate

¹ Translated from Relazioni Internazionali, 26 May 1951, p. 431.

vicinities of the Italian frontier a situation of danger is being created as a consequence of the rearmament of the Cominform countries, who have avoided restrictions of a military nature analogous to those placed upon Italy. The discrimination to our disadvantage which would become a matter of fact in relation to Germany and Japan, is therefore already in operation in relation to Russia's satellite countries. The United States declared that they could not act unilaterally. The already mentioned evolution of public opinion in the various countries, the very favourable attitude of Latin America and the recent official declarations of the French and English lead to the belief that it may be possible to agree upon a solemn tripartite declaration which should affirm that the peace treaty, as a moral sanction against a country which has for some time now resumed its place in the consensus of the free democratic nations, is now extinct.

In particular: (1) in the interim the actual Italian frontiers should remain guaranteed by the Atlantic Pact, the tripartite declaration of 1948 should be reaffirmed even if it be with the reiteration of the desire for a direct agreement between Italy and Yugoslavia: (2) the military clauses should be annulled: (3) of the economic clauses—in regard to which Italy respects the pledges undertaken—those should be eliminated which represent the imposition of the conqueror on the conquered, as those which hamper the economic life of the country and reflect unfavourably on some branches of industry: (4) with regard to admission to the United Nations, effect should be given through a decisive action on the part of the friendly countries.

(iii) Speech by Signor Alcide De Gasperi, Italian Prime Minister, to both Houses of Congress, Washington, 24 September 1951

Mr. President, Mr. Speaker, and Members of Congress, it is a high honor for me to speak in this assembly, this great stronghold of world democracy. The events of my political life have led me to experience different regimes, to sustain struggles for national independence and freedom, to witness the suppression of the democratic parliamentary system, and finally to see the triumph of our free institutions. My past therefore lends weight to my testimony when I say that the American Congress has shone in the last 40 years as a beacon of light which has drawn wandering humanity back on the path of democratic progress. Here, in the darkest days, resounded the guiding voices of the Presidents of the United States; here you Members of Congress took the most important decisions for victory.

As a democrat, as a European, as an Italian, I pay tribute to the greatness of your providential mission.

¹ Congressional Record, 24 September 1951, pp. 11990-1.

You have admirably and generously accomplished this mission by intervening at decisive moments with the armed forces of liberation. You have accomplished it in peace and in war, by encouraging resistance, appealing to moral forces, recalling to peoples their common heritage of human dignity and reviving the feeling of brotherliness which knows no inequalities, neither before God nor before men.

How many times, Honorable Members of Congress, how many times bent under oppression or tyranny, did we raise our hearts and our hopes by meditating on those words of the Declaration of Independence:

We hold these truths to be self-evident: that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

By these truths and by your faith in those human rights you were impelled to act and to intervene in far away countries, where freedom was in peril. The actions of people are complex: good and evil, egoism and unselfishness may alternatively affect their course. But the basis idea, the underlying force that provides the impulse is but one: yours is not imperialism, it is not a spirit of conquest. It is your love for freedom which—as Lincoln wrote to a compatriot of ours—unlike the pattern of the French Revolution, upholds the rights of citizens, but also has a moral content because it sanctions their duties.

What is, after all, your endeavor to set up the United Nations, if not an effort to overcome conflicts and war on the basis of equality and reason? And since on the opposite side unity is not desired and dissension is fostered, what is the Atlantic Pact if not another attempt at solidarity among men of good will in building a free world and defending it—if attacked—by force of arms?

I have just paid homage to the Unknown Soldier, the symbol of all those who died in your wars and in ours. Before that monument I thought of all the fallen of yours and of ours, who lie in the cemeteries of Italy and I thought of all the sacrifices that have been made. None of those dead soldiers—as reads that superb inscription—is unknown to God; and all must have their place in the hearts of the nations who have fought, and are still fighting, for right against aggression. The Italian people feel that this iron law of solidarity in defense is the price of freedom and of democracy.

Should they be faced with an aggression which all attempts at conciliation had failed to avert, the Italian people would stand by to give their contribution to common defense.

Nobody can believe that free men such as you are, men who have had an intimate experience of the evils of war as we have had, can look to war as the solution of our problems.

A well-known British author recalls in his book, *Diplomacy*, a very ancient address delivered by King Archidamus about 2,300 years ago to the Lacedaemonians at the Conference of Sparta:

I have not, oh Lacedaemonians, reached the age that I have, without having gained experience in many wars. There are some among you of the same age as myself, who will not make the unfortunate mistake of imagining in their ignorance that war is a desirable thing, or that it brings with it either advantage or security.

We who have gone through two world wars know that we must avert a third.

Members of this Congress, this is also your will as well as the intention of President Truman. But it is now clear that we cannot avoid war unless we achieve a balance of forces. I would say that rearmament, a reasonable rearmament, is not in contrast with, but it is in Europe a condition for, reconstruction, in the same way as economic recovery, as laid down by the Marshall plan, aims at insuring the defense of freedom and democracy.

In shouldering such considerable sacrifices on behalf of the United States people in view of our economic survival, Congress has achieved much in the way of defense. It has won the first battle. Not all our goals have been reached, it is true. But it is also true that without your generous contribution Europe, at least most certainly the anti-Communist front line of continental Europe, would already have collapsed. I fully realize the heavy sacrifices of your countrymen, but President Truman has rightly stated:

The best way to stop subversion by the Kremlin is to strike at the roots of social injustice and economic disorder.

We in Italy, a land of small means but of great traditions, have gone a long way toward reconstruction and social justice. Public order has been restored and the level of purchasing power has been strenuously defended. These two achievements were a prerequisite for any further development. For it is clear that no social reform, no bold program of public works can be successfully implemented, if the Government is unable to protect the democratic institutions against revolutionary attempts and if the country has no confidence in the currency. After a tremendous inflation which cut the prewar lira down to one-fiftieth of its value, monetary stability was essential. Within the limits imposed by this basic requirement, economic recovery was successfully promoted. Production is 30 percent higher than the prewar level. Food consumption per capita has attained its prewar level. A large-scale land reform has been planned and is now being gradually enforced. A full fiscal reform has also been enacted by Parliament and will be enforced before the end of this year.

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We are endeavouring to carry on simultaneously our program of social reforms and our rearmament program. This is not easy in my country. In Italy, taxation absorbs already more than 21 percent of the national income. But our national income is one-seventh of the American citizen's income. Hence every further cut in consumption incides on essential living commodities.

We are striving to increase employment at home and to find new outlets for our labour abroad: an arduous task in a country which has about 2,000,000 unemployed, out of an active population of about 21,000,000.

We ask you to assist us. We are a proletarian Nation which above all needs work: work at home on orders for civilian or military supplies, and work abroad through temporary or permanent employment of our surplus manpower. You are first-hand witnesses of the industriousness of our people.

However, we could not come to you urged only by material needs. If we did, we would not deserve consideration nor your friendship. But as freemen to freemen we wish to tell you we are grateful to you because by demanding the revision of our unfair peace treaty, you have acknowledged that an effective and staunch alliance cannot exist without equality of rights and full recognition of the independence, sovereignty, and dignity of a Nation.

I thank you for the action taken by many Members of Congress and I hope that through the wisdom of the President this matter will be brought to a successful end.

None of you should think that we are victims of a narrow nationalism. If we ask for the question of Trieste to be finally solved in the framework of the Anglo-French-American Declaration of 1948, it is because we want to consolidate our western coalition in Europe. It is because we want to create a front where old difficulties may no longer exist, and thus solidly establish the bulwark of European unity behind this common alinement of forces.

Europe, once finally united, will relieve you of your sacrifices in men and arms for Europe, for she will by herself contrive the defense of her peace and the common freedom.

Rallying the exhaustless energies of her moral and civil traditions, she, Europe, will, then, gentlemen, again take her turn in impressing on the course of human progress the mark of her decisive contribution.

Mr. President, Mr. Speaker, honorable Members of Congress, this assembly deserves the gratitude of all free peoples. Italy, through me here, renews this expression of her thankfulness and restates her solemn pledge of cooperation.

May God assist us in our work for the salvation of freedom.

(iv) Communiqué issued after the talks between Signor De Gasperi,
President Truman, and Mr. Acheson, 26 September 1951¹

The President of the United States, the Secretary of State, and the Prime Minister of Italy have met during the past 3 days and had a full exchange of views on questions of mutual interest to both countries. For the discussion of economic matters, the Acting Administrator of the Economic Cooperation Administration, Mr. [Richard M.] Bissell, and the Minister of the Italian Budget, Mr. [Giuseppe] Pella, joined the group. At the conclusion of the conversations, the Secretary of State and the Prime Minister issued the following statement:

Conversations were held in the spirit of friendship and cooperation which governs the relations between the United States and Italy. They revealed continuing agreement between the governments of the two countries on common objectives and means of achieving them.

The Secretary of State and the Prime Minister reviewed the general international situation, and agreed that both nations, jointly with the other free nations, must devote their entire energies to achieving peace with security. They agreed further on the need for positive action to bring together the peoples and governments of the Atlantic community. The Secretary of State and the Prime Minister reviewed the steps already taken to bring about a closer association of the Western European nations, including the German Federal Republic and a European defense force, and the Prime Minister expressed to the Secretary of State Italy's determination to lend cooperation fully in these efforts.

The North Atlantic Treaty Organization as a means of regional defense under the United Nations Charter and its particular importance in closer political and economic cooperation between both Western European and Mediterranean nations were fully recognized. They also recognized that the Mediterranean area is essential to the common defense, and welcomed the steps that had been taken at the recent meeting of the North Atlantic Council at Ottawa.

The Secretary of State reiterated the determination of the United States to press for Italy's admission into the United Nations in order that Italy may cooperate to the fullest extent in the maintenance of peace and the removal of causes of international tension.

The Secretary of State assured the Prime Minister that his request on behalf of the Italian people for removal of the restrictions and discriminations in the Italian peace treaty has been given most favorable consideration by the United States Government. The declaration by the United Kingdom, France, and the United States on this subject has been published.

¹ Department of State Bulletin, 8 October 1951, pp. 563-4.

The Secretary of State expressed hope that all the governments signatory to the treaty would give their full concurrence to this declaration.

Regarding Trieste, both the Prime Minister and the Secretary of State agreed that a solution to this question would greatly strengthen unity of Western Europe. As stated in the conversation between the Prime Minister and the President, the policies of both governments on this question are well known. The solution should take into account the

legitimate aspirations of the Italian people.

The Prime Minister described the urgency of measures to assist in the full utilization of Italian manpower resources. The Secretary of State expressed complete understanding of the importance of this question and the readiness of the United States Government to cooperate in its solution. He informed the Prime Minister that the United States will cooperate with other governments having an interest in evolving practical plans for an international organization to consider and put into effect concrete plans for the solution of the related problems of Italian and European overpopulation.

The economic problems common to the two countries were reviewed in detail by the representatives of the two governments. On the American side great satisfaction was expressed at the progress made in strengthening Italy's economic and financial situation. The Prime Minister was assured that it is the intention of the United States Government to contribute as in the past, within the limits of the funds appropriated to this end by Congress, the military and economic aid necessary to support the Italian effort to develop greater economic strength, social stability, and capacity for defense of its freedom and independence.

Particular attention was given to the idle capacity existing in some sectors of Italian industry, and to the possibility of the United States Government placing orders for additional defense production which will contribute to a speedier and fuller Italian participation in the production effort of the NATO countries and which will increase the level of employment in Italy.

Assurance was given of United States help in getting priorities for the equipment necessary to increase the production of electric power and steel in Italy.

The Secretary of State and Minister Pella signed an agreement supplementing the Treaty of Friendship, Commerce and Navigation of 1948, which will provide for an increased flow of investments between the two countries.

This friendly and exhaustive exchange of views, both on political and economic matters, confirmed the determination of the two countries to further, in concert with other democratic Nations, their close cooperation in order to solve effectively the problems of welfare, security, and peace.

(v) Declaration by the U.S.A., the United Kingdom, and France of their willingness to revise the Peace Treaty, 26 September 1951

The Governments of the United States, France, and the United Kingdom have considered for some time how best to resolve, in the interests of the harmonious development of cooperation between the free nations, the problem presented by the peace treaty with Italy.

In accordance with the desire of the Italian people, Italy, which loyally cooperated with the Allies during the latter part of the war as a cobelligerent, has reestablished democratic institutions. In the spirit of the United Nations' Charter, Italy has invariably extended to other peaceful and democratic governments that cooperation indispensable to the solidarity of the free world.

Nevertheless, although Italy has on three occasions received the support of the majority of member states voting in the General Assembly, it is still prevented by an unjustifiable veto from obtaining membership in the United Nations in spite of the provisions of the treaty and the Charter.

Moreover, Italy is still subject under the peace treaty to certain restrictions and disabilities. These restrictions no longer accord with the situation prevailing today nor with Italy's status as an active and equal member of the democratic and freedom-loving family of nations.

Each of the three governments, therefore, declares hereby its readiness to give favorable consideration to a request from the Italian Government to remove so far as concerns its individual relations with Italy, and without prejudice to the rights of third parties, those permanent restrictions and discriminations now in existence which are wholly overtaken by events or have no justification in present circumstances or affect Italy's capacity for self-defense.

Each of the three governments hereby reaffirms its determination to make every effort to secure Italy's membership in the United Nations.

The three governments trust that this declaration will meet with the wide approval of the other signatories of the peace treaty and that they will likewise be prepared to take similar action.

(vi) Note from the U.S.S.R. to the U.S.A., the United Kingdom, and France, refusing to consider revision of the Peace Treaty, 11 October 1951²

In connection with the Joint Declaration of the Governments of the United States, Great Britain and France turned over by the United States Embassy to the Ministry of Foreign Affairs of the U.S.S.R. on

¹ Department of State Bulletin, 8 October 1951, p. 570.

² Soviet News, 16 October 1951.

September 261 this year in which these Governments raise the question of revising the Peace Treaty with Italy, the Soviet Government deems it necessary to state the following:

1. The Governments of the United States, Great Britain and France while raising the question of revising the Peace Treaty with Italy make reference that this revision allegedly is necessary in the interests of the 'development of co-operation between Free Nations'. Such explanation is merely a cover for the real aims of revising the Peace Treaty. The facts show that in reality it is a matter not simply of developing the co-operation of Italy with other countries but of utilising Italy in the interests of the aggressive Atlantic bloc and of removing for this purpose the restrictions set by the Peace Treaty as regards her armed forces.

The Soviet Government in its Notes of July² and September, 1949, already drew the attention of the United States Government as well as the Governments of Great Britain, France and Italy to the fact that, by entering the aggressive North Atlantic bloc, Italy assumed commitments incompatible with the Peace Treaty and to the responsibility which rests in this connection with the above Governments.

The Italian Government which is now carrying out a broad programme of war preparations in violation of its commitments under the Peace Treaty, becomes one of the main suppliers of manpower for the North Atlantic bloc, which is frankly admitted by the leaders of Italy's Armed Forces. Thus in October, 1950, the Chief of the Italian General Staff General Marras while in Washington stated that Italy had already placed at the disposal of the Atlantic alliance military forces at least equal to the forces of the other biggest continental powers, and that Italy, together with France and Western Germany, will be the power 'which will make the biggest contribution in manpower'. Italy's Defence Minister Pacciardi stated in an interview with a United Press correspondent in November, 1950, that taking into account the war in Indo-China waged by France he does not see 'that any other power of the Atlantic alliance could put up more divisions than Italy'.

Thus the Governments of the United States, Great Britain and France are seeking to utilise the revision of the Peace Treaty with Italy in order to adapt the territory of Italy, her manpower and material resources to the accomplishment of the aggressive objects of the North Atlantic Pact, which conforms to the entire trend of the aggressive policy of the United States, Great Britain and France.

This policy has nothing in common with the interests of maintaining peace in Europe just as it has nothing in common either with the interests of the Italian people who have not yet recovered from the privations

¹ See above, p. 85.

² Documents (R.I.I.A.) for 1949-50, p. 268.

brought them by the Second World War. Such a policy cannot but lead Italy and the Italian people to still greater calamities than those which she was once brought by the policy of Hitler and Mussolini.

2. The declaration of the Governments of the United States, Great Britain and France contains also a statement about the need to secure Italy's membership in the United Nations, presenting the matter as though Italy's admission to the United Nations was hitherto prevented by the application of the so-called 'Veto'.

This statement does not correspond to reality because the Soviet Union has never objected to Italy's admission to the United Nations on equal grounds with all the other States that have a lawful right to this. If Italy has not been admitted to the United Nations until now this is due solely to the fault of the United States, Great Britain and France who have taken an entirely unacceptable stand in the United Nations on the question of admitting new members.

3. It is known that the Soviet Government already in March, 1944, before this was done by other States, established immediate and direct relations with Italy, exchanging with her representatives with diplomatic status.

The Soviet Government, guided by the desire to see Italy as an equal State, declares that it has no objection to the revision of the Peace Treaty with Italy, to revision of restrictions set by the Peace Treaty and to admission of Italy to the United Nations on condition of analogous revision of Peace Treaties with Bulgaria, Hungary, Finland and Rumania, which during the war were in the same position as Italy, and their admission to the United Nations.

The Soviet Government at the same time holds that the revision of the Peace Treaty with Italy must not in any way prejudice the cause of preserving peace and must not be utilised for drawing Italy into the aggressive war plans of the North Atlantic bloc. On the contrary the Soviet Government holds that the revision of the Peace Treaty with Italy must be effected with the aims of strengthening peace and ensuring real equality and independence of Italy. There can be no doubt, however, that the fact of Italy's participation in the aggressive North Atlantic bloc fundamentally contradicts the interests of peace and impels Italy to the path of aggressive war; the presence of foreign military bases and foreign armed forces on Italy's territory not only does not strengthen but on the contrary undermines the equality and independence of Italy, turning her into a dependent country.

In view of this the Soviet Government, guided by the interest of preserving and strengthening peace, declares that it can agree to revision of the Peace Treaty with Italy and elimination of the respective restrictions only in the case of Italy withdrawing from the aggressive North Atlantic

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bloc and not allowing military bases and armed forces of foreign states on her territory.

(vii) Note from the Italian Ambassador in Washington to the United States Government, requesting revision of the Peace Treaty,

8 December 1951¹

I have the honour to refer to declarations repeatedly made by the Italian Government and to the declaration of September 26 made by the Governments of France, the United Kingdom, and the United States,² as well as to statements made by officials of other governments regarding the anomaly created by the existence of the Italian Peace Treaty and the position which Italy occupies today.

Italy's status as an active and equal member of the democratic and freedom-loving family of nations has been universally recognized. The spirit of the Peace Treaty, therefore, no longer accords with the situation prevailing today.

It was contemplated by the Peace Treaty that Italy would be admitted to membership in the United Nations. The basic assumption was that universal adherence to the principles of the United Nations Charter would assure the security of all the democratic family of nations and therefore also assure Italy's status as an equal member of that family.

The above assumption, on the basis of which the Italian Peace Treaty was signed and was ratified, has not been fulfilled. Even though the preamble of the Treaty contemplated that Italy would become a full member of the United Nations, Italy's admission, although receiving on three occasions the support of the majority of member States voting in the General Assembly, has been prevented by unjustified vetoes in the Security Council on the four occasions when it was considered.

Since Italy is not a member of the United Nations she can neither contribute fully to the peaceful development of international relations on a basis of equality with other Nations, nor take any action within the United Nations, with a view to obtaining the revision of the clauses of the Treaty as provided for by the Treaty itself.

Meanwhile, Italy has re-established democratic institutions, participates in concert with other Nations in a number of international organizations working to establish peaceful and improved conditions of life for the peoples of the world, administers a trust territory in the name and on behalf of the United Nations, and supports the efforts of the United Nations to maintain international peace and security.

¹ Department of State Bulletin, 24 December 1951, p. 1011. Similar notes were sent to the other signatories of the Treaty.

² See above, p. 85.

In these circumstances, it has been already stated, the spirit and certain restrictive provisions of the Peace Treaty no longer appear to be appropriate.

Upon instructions of my Government, I have, therefore, the honour to propose that the Government of the United States and other signatories of the Treaty, to whom similar notes have been addressed, should agree that the spirit reflected by the Preamble no longer exists, and has been replaced by the spirit of the United Nations Charter; that the political clauses, Articles 15–18, are superfluous and that the military clauses, Articles 46–70 and the relevant Annexes, which restrict Italy's right and capacity to provide for her own defense, are not consistent with Italy's position as an equal member of the democratic and freedom-loving family of nations.

2. Trieste

(i) Communiqué issued after the Anglo-Italian talks in London,
15 March 1951¹

The informal discussions held in London between the British and Italian Prime Ministers and Foreign Ministers on March 13-14 ended in a complete identity of views between the Ministers on matters of common interest. The discussions, which were conducted in a most friendly spirit, covered a wide range of questions both in the international sphere and as between the two countries. In the latter respect the Ministers recognized with satisfaction that no major questions were outstanding. The British Ministers confirmed that they maintain the tripartite declaration on Trieste of March 20, 1948,2 with a view to settlement by conciliation; and the Italian Ministers declared that it was their desire to reach a friendly agreement with the Yugoslav Government on this question.

(ii) Extracts from a speech by Signor De Gasperi to the Italian Senate, 11 July 19513

The discussions in London were extremely lively; if there were clouds to disperse we dispersed them with dignity, at the same time vindicating Italy's rights with complete independence and intrepidity. I may add that we found too in our Labour colleagues, the understanding of men accustomed to hard dispute and cognizant of the psychological problems and their moral value.

The conclusion of the communiqué is quite clear. The communiqué says: 'The British Ministers confirmed that they maintain the tripartite

² Documents (R.I.I.A.) for 1947-8, pp. 255-6.

¹ The Times, 16 March 1951.

³ Translated from Relazioni Internazionali, 21 July 1951, pp. 584-5.

declaration on Trieste of 20 March 1948 with a view to settlement by conciliation; and the Italian Ministers declared that it was their desire to reach a friendly agreement with the Yugoslav government on this question.'

Gentlemen, this has always been our policy. The fixed point of departure, the basis on which the whole discussion should turn, is the tripartite declaration, that is to say, the wish, the accepted proposal, expressed by the western Powers, to restore to Italian sovereignty the Free Territory of Trieste, the proposal that this realization should come about within a framework of conciliation with Yugoslavia, as with all other nations, and at the same time considering the problem of Trieste from an economic point of view, as we have considered it during the peace negotiations. For it must not be forgotten, Honourable Senators, that we have always made the city of Trieste, or the Italian territories which belonged to us, a matter of Italian nationality, but not only that; we have always made a geopolitical problem of Trieste-port and centre of the hinterland, and we have always considered as one of its greatest uses, that of being able to obtain a concourse of an economic character, a confluence of interests which gives the port of Trieste that vitality which it once had when it was a mixed Austro-Hungarian port.

We have never forgotten this international and social function of the port and it is an absurd misconstruction of the truth to attribute to me, as did a periodical the other day, the original idea of the Free Territory, an idea which was the property, even in 1918, of many socialist workers, an idea which might even be considered worthy of respect, in so far as it contained an evaluation of the economic aspect, which was, however, the determining factor of my own conception. If this is true on the one hand, it is also true that Italy has fought against the injustice of the treaty and in particular that we have quite clearly and precisely pointed out that the plan of the Free Territory is a fantastic structure and a motive for new conflicts.

We further recalled at the Peace Conference the tragedy of Danzig as a warning to those who thought to obtain the collaboration of the people through the expedient of compromise. There is no need for me to go back and re-read what I said in 1946 at the peace conference; I said that no sign, no indication from us could authorize the authors of this compromise, the inventors of the Free Territory, to claim that we should have assumed the admittedly minute co-responsibility for such a solution, a solution which cuts into our flesh, and wounds our national integrity. Scarcely did I have an inkling of such a threat, than on 30 June I telegraphed to the four Foreign Ministers, urgently begging them to listen to me, declaring myself willing to second their efforts for peace (since you know that this compromise was presented as the agreement that would prevent conflict among the four Powers), but putting them also on guard

against expedients which would have been the cause of further disagreements.

The international solution of Trieste, we said then, is unacceptable in its projected form, and in particular the exclusion of Western Istria as far as Pola will be unbearably wounding for Italy. Never for an instant has our proud protest been lacking, even at the moment in which the treaty was signed, and it is a fact that the day after the signing, the initiation of steps for the revision of the treaty was announced in a circular from the Foreign Minister. It is indeed true that from the beginning we have considered the whole thing as a temporary necessity, a bridge of sighs, but not a solution. And we still continue to work for the dismantling and alteration of the treaty. It is for this reason above all that we have in part accepted and in part endured the lack of a nomination for the governorship of Trieste; precisely because we had and could have no confidence in that decision. There are, it is true, colleagues who think we could have, but let them examine their consciences with sincerity, and they will see how such a régime could have had no vitality. There would have been worse conflicts than before between Italians and Slavs, and perhaps only a dictatorship of the communist type could have imposed a common way of living, for which otherwise no one would have sought with mutual consent.... An exchange of letters, protests and remonstrances has been going on for some time between the allied governments and our own. We have never allowed it to be thought that such an exclusion of the Court of Cassation could be admitted or in any way tolerated by us. For some time we believed that our protests and declarations had proved convincing, and it was reasonable to think that the question had been shelved in view of an acceptable agreement. Instead within the last few days, with the distribution of the official circular, came the announcement of a decision on the merits of the case, a decision contrary to our thesis. Now, Honourable Senators, it is useless for me to repeat here that we have already adopted judicial arguments clearly advanced by Signor Zotta and Signor Sanna Randaccio, we had already adopted them, because we had advanced them in our protests.

We cannot accept the allies' point of view on this matter, we cannot possibly, and it is our duty, if things have been done in too much haste and have not yet been the object of consideration by responsible people, to recall to these responsible people the political, and not merely judicial, consequences of such a situation. But I refuse at this point to consider this as an accomplished fact from which it must be deduced that nothing is left to us but the crude alternative of either sacrificing our honour in resigning ourselves, or of having recourse to the denunciation of the treaty. I refuse to be driven to this: we have not reached such a dire point; there are still possibilities of change, and we hope for and insist upon changes, upon a

greater understanding on the part of the allied authorities of the political and judicial consequences of this measure. In any case the Italian government still believes that it may trust in the British and North American governments not to wish to insist on theses which obviously go against the legitimate expectation created in Italian public opinion by the declaration made in the bosom of the Security Council of the United Nations by the American representative upon the impracticability of the constitution of the Free Territory as provided for by the peace treaty. And here I make a small parenthesis. As Signor Sanna Randaccio has said, I would like to leave out the question of whether it be necessary or not, in this controversy over the Court of Cassation, to invoke the thesis of sovereignty. The clauses of the treaty speak quite clearly. Therefore, whatever one may think or argue upon this subject, we will hold firmly to our thesis; and I add a formal declaration: if these difficulties cannot be overcome through ordinary diplomatic channels (and I hope that that may not happen) we will make energetic protests by all the procedures that are open to us, not excluding recourse to the Court of the Hague, where it would be Italy's concern to raise the question.

(iii) Extract from a speech by Mr. Edvard Kardelj, Yugoslav Minister for Foreign Affairs, to the National Assembly, 29 September 1951¹

It is not possible to solve the question of Trieste on the basis of the three-Power declaration of 1948, that is, on the basis of a demand for the assignment of the Free Territory of Trieste to Italy. The Yugoslav government has never consented and will never consent to such a demand. The Yugoslav government is sufficiently courageous to realize that in view of the Peace Treaty and the situation it has created it is not even possible to solve the question of Trieste on the basis of the inclusion of the whole of the Free Territory in Yugoslavia. A new solution must be sought: and this third solution will be possible only if the two parties really want to arrive at an agreement, that is if they sincerely desire Italo-Yugoslav relations to take a new direction and agree to eliminate so much that in the past has envenomed relations between the two countries. As far as the Yugoslav government is concerned, it has made and will continue to make all the necessary efforts for the accomplishment of such an aim, but the sacrifices we can make to this end have limits, beyond which we will not go in any circumstances.

The question of the revision of the Italian Peace Treaty is of exceptional importance to Yugoslavia, which of all the Treaty's signatories is the most interested in such questions. We are not yet able definitely to

¹ Translated from Relazioni Internazionali, 6 October 1951, pp. 774-5.

expound the Yugoslav government's position with regard to this question, but there is no doubt that the Yugoslav government, for its part, will keep itself informed on Yugoslavia's special interests....

We find ourselves today face to face with an established fact—the existence in the Free Territory of Trieste of two zones which are the result of the second World War and of postwar developments in international relations. This situation can be altered only by an agreement between Italy and Yugoslavia and within the limits in which such an agreement may be reached today. These facts must be considered a reality which cannot be altered by words, still less by force or pressure. Therefore both governments must be realistic enough to distinguish between what is possible and what is not. It seems to us that the Italians have not taken this sufficiently into account. If the desire to settle once and for all the question of Trieste exists, then propaganda campaigns and ethnic flagwaving must be avoided, a more realistic attitude must be adopted—one inspired by a genuine wish to reach agreement.

(iv) Note from the U.S.S.R. to the U.S.A., the United Kingdom, and France, protesting against the Western Policy in Trieste, 17 November 1951¹

Recently the Press of a number of countries has published statements by official representatives of the Western Powers, from which it follows that, at the present time, the Governments of the United States, Great Britain and France, with the participation of the Italian and Yugoslav Governments, are preparing a division of the Free Territory of Trieste between Italy and Yugoslavia.

In this connection the Soviet Government deems it necessary to declare

the following:

The agreements of the Governments of the United States, Great Britain and France on the division of the Free Territory of Trieste is a continuation of the policy of violating the Peace Treaty with Italy, which these Governments have already pursued during the four years that have elapsed since

this Treaty came into force.

As is known, the Peace Treaty with Italy provides that the Free Territory of Trieste must be declared neutral, demilitarised and administered in accordance with the instrument for the provisional regime and the Permanent Statute of the Free Territory of Trieste, which guarantee to its population democratic rights and fundamental freedoms. The treaty provides that the Security Council shall appoint a Governor of the Free Territory of Trieste, after which a provisional governmental Council of the Territory is to be formed, a Constituent Assembly summoned and a

Constitution drawn up. The Peace Treaty also provides that, on the expiration of 135 days from the date of the appointment of the Governor, all foreign troops must be withdrawn from the Free Territory.

Even before the signing of the Peace Treaty, agreement had been reached between the Governments of the United States, Great Britain, France and the Soviet Union that they would 'take all possible measures so as to assure the earliest possible selection of a Governor for the Free Territory of Trieste in conformity with the stipulations provided for in the Draft Permanent Statute, so as to assure his appointment by the Security Council, simultaneously with the entering into force of the Peace Treaty'. Thus, according to the obligations undertaken by the Governments of the United States, Great Britain, France and the U.S.S.R., and laid down in the Protocol of the Council of Foreign Ministers of December 12, 1946, a Governor of the Free Territory of Trieste should have been appointed by the time when the Peace Treaty with Italy entered into force, i.e., by September 15, 1947.

Up to the present, however, as a result of the gross violations of their treaty obligations by the Governments of the United States, Great Britain and France, none of these conditions have been fulfilled: The Governor of the Free Territory of Trieste has not yet been appointed; the provisional governmental Council has not been formed; the instrument for the provisional regime in the Free Territory of Trieste and also the Permanent Statute, provided for in the Peace Treaty, have not been put into operation; the foreign troops which, in accordance with the Peace Treaty, should have been withdrawn from the Free Territory of Trieste as long ago as January 1948, to this day are still illegally stationed on that territory.

In as much as, according to the Peace Treaty, the fulfilment of all the other Articles of the Treaty regarding this territory is bound up with the appointment of a Governor of the Free Territory of Trieste, the Governments of the United States, Great Britain and France have for four years been obstructing the appointment of a Governor, and have thereby paralysed the organisation of the Free Territory of Trieste in accordance with the Peace Treaty. Beginning with the year 1947, these Governments have invariably rejected all candidates for the post of Governor proposed by the Soviet Government, despite the absence of any grounds whatever for such rejections. On various pretexts the Governments of the United States, Great Britain and France have obstructed the appointment of a Governor, even in cases where the Soviet Government agreed to the appointment to this post of candidates put forward in the Security Council by the Governments of the above-named three Powers.

As a result of these gross violations by the Governments of the United States, Great Britain and France of their treaty obligations, the population of the Free Territory of Trieste still has no opportunity of enjoying the

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rights guaranteed it by the Peace Treaty with Italy. The population does not take part in the administration of its territory, since a Constituent Assembly has not been convened; a Constitution for the Free Territory of Trieste has not been adopted. To this day the Territory is illegally administered by the British, American and Yugoslav military authorities, who have established in their occupation zones a regime of terror and arbitrary police rule. The human rights and fundamental freedoms provided for by the Permanent Statute of the Free Territory of Trieste are being grossly trampled underfoot, both in Zone A, occupied by the Anglo-American troops, and in Zone B, occupied by Yugoslav troops. Democratic organisations and democratic leaders are subjected to repression and persecution, while fascist elements, including German fascists who have found refuge in Trieste, enjoy complete freedom and pursue their antidemocratic activity with impunity. The Governments of the United States and Great Britain have used the illegal occupation of the Free Territory of Trieste to convert the Trieste area into their military and naval base, which plays an important role in their aggressive plans. Intensified building of military aerodromes, stores, barracks, strategic roads, linking the roads of Italy, Austria and Yugoslavia, is going on in the Trieste area, and extensive military manœuvres are being held with large tank and air formations taking part. Numerous British and American warships are constantly in the Port of Trieste. The whole economic life of the Free Territory of Trieste has been subordinated by the occupation authorities to the aggressive aims of the Atlantic bloc. Only enterprises connected with war industry and the service of the occupation troops, are working to full capacity, while the economy of the Free Territory as a whole is in a state of decline.

In its Notes of April 20 and July 8, 1950, the Soviet Government already drew the attention of the Government of the United States, also of the Governments of Great Britain and France, to the responsibility which they bear for the non-fulfilment of the provisions of the Peace Treaty with Italy concerning the Free Territory of Trieste. The facts show, however, that the situation in Trieste has not changed. More than that, by preparing the division of the Free Territory of Trieste between Italy and Yugo-slavia, the Governments of the United States, Great Britain and France are taking new steps incompatible with the obligations they have assumed under the Peace Treaty.

The division of the Free Territory of Trieste between Italy and Yugoslavia, which is now being prepared by the Governments of the United States, Great Britain and France, with the participation of the Italian and Yugoslav Governments, has as its aims the adaptation of the territory, manpower and material resources of the Free Territory of Trieste to the military plans of the North Atlantic alliance and the consolidation of the

Trieste area as a permanent military and naval base of the United States and Great Britain. The declarations of a number of official representatives of the above-mentioned countries testify to the existence of such a plan for the division of the Free Territory of Trieste. Thus, Signor de Gasperi, Prime Minister of Italy, declared in Parliament on October 5 of this year that the question of Trieste should be decided from the point of view of the problems of the so-called 'defence of the West'. As is evident from Press reports, the division of the Free Territory of Trieste is being openly connected with the problems of strengthening the 'southern flank' of the joint armed forces of the Atlantic bloc, which are under the command of the American, General Eisenhower. References to defence in this case, as in other similar cases, are made solely to mask the aggressive plans of the Governments of the United States, Great Britain and France.

The division of the Free Territory of Trieste is incompatible with the tasks of maintaining peace and security in Europe, and is contrary to the interests of the population of that territory, depriving it of the opportunity of enjoying the democratic rights stipulated in the Permanent Statute of the Free Territory of Trieste. The division of this territory is capable only of causing new complications in this part of Europe, since the plans for such a division are dictated by interests which have nothing in common with the tasks of strengthening peace in Europe.

Proceeding from the above, the Soviet Government again insists on the fulfilment by the Governments of the United States, Great Britain and France, of their obligations concerning the Free Territory of Trieste. The Soviet Government deems it necessary that the Security Council should without delay take measures to put into operation the Permanent Statute of the Free Territory of Trieste with the subsequent withdrawal of all foreign troops from within the borders of that territory, and the elimination of the illegal Anglo-American military and naval bases in Trieste.

The Soviet Government proposes that the Security Council should without delay take steps to appoint a Governor of the Free Territory of Trieste, which would be a first step in fulfilling the provisions of the Peace Treaty with Italy concerning Trieste.

(v) Comment on the Russian note of 17 November by the United STATES DEPARTMENT OF STATE, 19 NOVEMBER 19511

The Department has received the text of the note delivered to the British and French Ambassadors and the U.S. Chargé d'Affaires in Moscow by Acting Foreign Minister A. A. Gromyko on November 17.

The Soviet note charges the United States, United Kingdom, and France with violation of the provisions of the Italian peace treaty relating

¹ Department of State Bulletin, 3 December 1951, p. 912.

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to Trieste. The Soviet charges are as groundless today as they were when last made in April 1950. Repeating these allegations that Allied authorities in Trieste suppress human rights and liberties and are establishing a military and naval base is nonsense. This is evident, as has been pointed out before, from the regular reports of the Anglo-American administration to the Security Council, and as any observer could see for himself.

It is obvious that it has not been possible to implement the provisions of the Italian peace treaty regarding establishment of the Free Territory of Trieste. Responsibility for this state of affairs lies squarely upon the Soviet Government, whose conduct following conclusion of the peace treaty rendered the settlement envisaged therein impossible of execution.

As the Soviet Government knows, the United States has for some time favored a constructive settlement of the Trieste question by the parties directly concerned. This would be in the direct interest of the Italian and Yugoslav peoples. Repetition at this time of groundless arguments under the guise of concern for legality shows that the Soviet Government, with objectives quite the opposite of those of the United States, is attempting to disrupt every effort to reach a Trieste settlement, which would contribute to European stability and peace.

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PART II

WESTERN EUROPE AND GERMANY

1. Western Policy

(i) Declaration by the Commonwealth Prime Ministers made at the end of their Conference in London, 12 January 1951¹

The Prime Ministers of the United Kingdom, Canada, Australia, New Zealand, India, Pakistan, Ceylon, and Southern Rhodesia, and the South African Minister for the Interior representing the Prime Minister of South Africa, desire, before concluding the present London meeting, to state in simple terms some of the great principles which have inspired the discus-

sions and strengthened mutual understanding.

Our historic Commonwealth, which comprises one-fourth of the world's population and extends over all the continents and oceans of the world, is singularly well constituted to enable it to study and in some measure to comprehend the vexed questions which beset the world. These do not fit neatly into old patterns. In Europe there are grave and urgent problems which must be solved, and in Asia the rise of new nations and new national unities must be recognized, if peace is to be secured on a basis of justice and prosperity.

The Commonwealth has the unique quality of embracing nations and peoples from every continent. Our own meetings have therefore given us special knowledge, and have left us with a special sense of responsibility.

We are, both jointly and severally, pledged to peace. This is not merely

a pledge given to other nations; it is solemnly given to our own.

We believe that there are certain courses which must be pursued if real peace is to come.

First, the wounds of the last war must be healed; settlements with

Germany and Japan should be made with speed.

Second, we must do what we can to understand those who appear to differ from us. The great antidote to war is hope; its greatest promoter is despair. When we say that war is not inevitable, we do not just mean that we shall prepare and be strong, and that our strength may deter aggression. We also mean that, in a world worn out and distorted by war, there must be an overwhelming majority of the people of all lands who want peace. We must not despair of reaching them. In all our discussions we have made it clear to each other, as we now do to the world, that as Commonwealth Prime Ministers we would welcome any feasible arrangement

¹ The Times, 13 January 1951. For the final communiqué issued on the same day see ibid.

for a frank exchange of views with Stalin or with Mao Tse-tung. We should, in the name of common humanity, make a supreme effort to see clearly into each other's hearts and minds.

We do not seek to interfere in the affairs of the Soviet Union or China or any other country; we are simply determined to retain the mastery of our own affairs, without fear of aggression.

It is with these considerations in mind that in the last few days we have directed our efforts to the securing of a cessation of hostilities in Korea, so that around the conference table the great Powers concerned may compose their differences on a basis which will strengthen the United Nations and fulfil the purposes of the Charter.

We all have deep within us a faith in the existence of a purpose of justice in this world, and we believe it to be our duty to forward it by everything we do. Indeed, this sustaining faith derives added strength from the fact that at our meetings it has been simply and sincerely expressed by men of widely different races, traditions, and creeds.

We think it proper to declare once more that the Commonwealth countries, though they have a special and precious association which they value profoundly, do not regard themselves as some sort of exclusive body. They welcome cooperation with other nations. It has been their privilege to be able to work closely with the United States of America, whose efforts in the direction of assisting many war-stricken nations are warmly regarded, and whose practical support of the United Nations has contributed much to the strength of that organization. We will at all times seek, by process of discussion, to promote the utmost harmony among ourselves, and to arrive at common international policies with the United States, and with all other friendly and cooperative nations.

Our support of the United Nations needs no reaffirmation. The Commonwealth and the United Nations are not inconsistent bodies. On the contrary, the existence of the Commonwealth, linked together by ties of friendship, common purpose, and common endeavour, is a source of power behind the Charter.

We of the Commonwealth recognize that the peace and prosperity of the free world cannot be assured while millions live in poverty. We are therefore resolved, while keeping our own economies strong, to promote economic and social development in the under-developed countries, by providing such financial and economic assistance as we can command and by making full use of our resources of scientific and technical experience. The Colombo Plan is practical evidence of this intention. The Commonwealth countries concerned will continue to contribute to the full extent of their ability, towards the execution of this and similar schemes for developing economic resources and raising social standards.

In brief, the problem of peace is that of removing the causes of war; of

easing tension and promoting understanding; of assisting those lessdeveloped nations which need our aid; of being at all times willing to discuss our differences without foolishly assuming that all attempts to secure peace are a form of 'appeasement'. We will cultivate the friendships we now have, and hope that with wise approaches differences may become less and ultimately disappear.

But, while we say these things with a full heart, we are bound to add that, so long as the fear of aggression exists, we will have to strengthen our defences with all speed and diligence. This may well result in placing heavy burdens upon our peoples. It is our firm belief that the rule of law should govern human conduct; and we are prepared to accept whatever sacrifices may be necessary to uphold, with all other nations, those principles of international law and order which are essential conditions for world peace and progress.

(ii) STATEMENT ISSUED BY PRESIDENT TRUMAN AND M. RENÉ PLEVEN, FRENCH PRIME MINISTER, AT THE END OF THEIR TALKS IN WASHINGTON, 30 JANUARY 1951¹

The President and the Prime Minister exchanged views on the broad subject of international affairs and they touched upon all the questions that are of common interest to France and the United States. Once again they found that there exists a fundamental identity of views between the two countries.

The President and the Prime Minister reaffirmed their belief that the principle of collective security, embodied in the Charter of the United Nations, is the chief bulwark of world peace and of the independence and survival of free societies in the world. They agreed that, in conformity with this principle, aggression must not be rewarded or the menace of aggression appeared. It is in this spirit that the President and the Prime Minister examined the means to assure coordinated action and turned to the more detailed questions as set forth below.

I. Far Eastern Problems

The President and the Prime Minister found themselves in complete agreement as to the necessity of resisting aggression and assisting the free nations of the Far East in their efforts to maintain their security and assure their independence.

The situation in Korea² was discussed and they concurred that every effort must be exerted to bring about an honorable solution there. Until that end can be accomplished, resistance by United Nations forces to

Department of State Bulletin, 12 February 1951, pp. 243-4.

See below, pp. 630-63.

aggression must continue. Both France and the United States will support action directed toward deterring aggression and toward preventing the spread of hostilities beyond Korea.

With regard to Indochina, the Prime Minister described the heavy responsibilities borne by France in that area and the great cost, both in lives and money, she has paid in resisting the Communist onslaught in order to maintain the security and independence of the Associated States, Vietnam, Cambodia and Laos. The Prime Minister declared that France was determined to do its utmost to continue this effort. The President informed the Prime Minister that United States aid for the French Union forces and for the National Armies of the Associated States will continue, and that the increased quantities of material to be delivered under the program authorized for the current fiscal year will be expedited.

The President and the Prime Minister agreed that continuous contact should be maintained between the interested nations on these problems.

II. Problems of Europe

The President and the Prime Minister both recognized the vital importance of Europe to the defense of the entire free world. The Prime Minister described the French efforts to achieve European unity. He stressed in this regard the French desire to see disappear the divisions and rivalries that oppose a harmonious development of the European economy and the establishment of a strongly organized Europe. The Prime Minister stated that the policy of the French Government was to favor the creation of a broad European market open to competition by all through the abolition of cartels and discriminatory practices.

The President and the Prime Minister were in fundamental agreement that the cause of peace in Europe and the world would be furthered by a progressively closer integration in every aspect of a democratic Germany into a vigorous Western European community.

The Prime Minister brought the President up-to-date on the recent developments relating to the Schuman Plan treaty.² He expressed appreciation for the interest and the comprehension which this plan found in the United States. The President hoped that the treaty would be concluded in satisfactory form at the earliest possible moment. The Prime Minister also mentioned that new steps are anticipated in the same direction, particularly in the field of agriculture.

The Prime Minister also referred to the conference to be convened in Paris on February 6th, to consider the formation of a European Army based on European political institutions and within the framework of the North Atlantic Treaty Organization.³ The President welcomed the

¹ See below, pp. 663-74.

³ See below, p. 216.

conference and expressed his hope for its success. He informed the Prime Minister that the United States would be glad to accept the invitation to send an observer, and that Ambassador David Bruce would be designated.

III. Atlantic Defense Plans

The President and the Prime Minister exchanged views with regard to the progress made by both countries in their defense programs. The President described to the Prime Minister the great efforts now being made by the United States. Mr. Pleven outlined the steps taken by France in this field and added that the French Government would neglect no opportunity to intensify its rearmament and particularly to accelerate as much as possible the execution of existing programs.

The President and the Prime Minister reaffirmed their conviction that German participation in the common defense effort as envisaged last month at Brussels would strengthen the security of Europe without altering in any way the purely defensive character of the North Atlantic Treaty Organization.

IV. Economic Problems

The President and the Prime Minister also reviewed certain questions concerning United States assistance to France in the economic field. They clarified procedures so that United States assistance will make its most effective contribution to the French defense effort.

They agreed that the solution of the raw materials problems ought to be the aim, not only of national action, but also of international action undertaken with the utmost speed and vigor. The objectives of such action are to give the necessary priority to defense requirements and to meet essential civilian needs through the stimulation of production, the equitable distribution of available supplies, the avoidance of waste in nonessential uses and of unnecessary accumulation of stocks. The two Governments, together with that of the United Kingdom, are presently proposing the formation of international commodity groups which will take up immediate problems of material shortages of common concern to the countries of the free world.

They recognized the importance of dealing with the problem of inflation and rising prices, which adversely affect the common defense effort. They agreed that not only should vigorous national action be taken but that wherever international measures may effectively contribute to this objective they would give their full support.

The President and the Prime Minister wish to state that the supreme objective of the foreign policies of the United States and France is the establishment and maintenance of durable peace based on law and justice.

The measures which they have discussed and undertaken in common with other free nations for the development of adequate defense under the

North Atlantic Treaty and for the development of European unity are directed solely to that end.

Moreover, the two Governments have never neglected in the past and will never neglect in the future any genuine opportunity to settle international problems by negotiation.

The discussions between the President and the Prime Minister have shown again that no menace or maneuver will succeed in shaking the fundamental unity which exists between the United States and France.

(iii) Extract from a speech in the House of Commons by the British PRIME MINISTER, MR. CLEMENT ATTLEE, ON THE RELATIONS OF GERMANY AND WESTERN EUROPE, 12 FEBRUARY 19511

The right hon. Gentleman [Mr. Eden] also dealt with the question of Germany and the West. I should now like to come to that matter. There has been a good deal of progress in the last two or three months. There was the signing of the Treaty of Atlantic Defence, the appointment of General Eisenhower and the establishment of the integrated Force under his command. I entirely agree with the right hon. Gentleman: I think that General Eisenhower was the best choice that could have been made, and we ought to pay a high tribute to his public spirit in taking on this very difficult task, because it is an extremely difficult task to build up an integrated Force from the Forces of a number of nations. But General Eisenhower has, after all, had that great practical experience in the last war, and we all know how extraordinarily good he was at working with many nations.

The right hon. Gentleman referred to the successful visit of the French Prime Minister, M. Pleven, to Washington. Again, we can welcome that. In the decisions of the Atlantic Council there was one to include in that integrated Force a contribution from Germany. We agreed on that and I shall deal with that at full length a little later. The first steps are being taken to build up the integrated Force, and explanatory discussions with the German Federal Government with regard to any German contribution are proceeding. There are, however, a great many things that will first have to be settled. Meanwhile, we are increasing our Forces in Germany;

in the course of the next few months they will be built up.

The conference of the French Government on a European Army is to take place in a few days,2 and I would like to say a word or two about that. We all realise that one of the most difficult questions is how to integrate any German force into the Forces of the Atlantic Treaty nations. One proposal was for a European Army, and the conference is now to meet to

¹ H.C. Deb. 5th ser. vol. 484, coll. 63-67.

² See below, p. 216.

consider it. I do not think it is quite clear now what is envisaged in those proposals. As originally put forward, there were a number of features of that plan which we could not accept. There was the linking of it with a political superstructure; a Minister of Defence for Europe, and even an Assembly. We also were not entirely agreed that this was a really possible plan.

Like the Governments of the United States, Canada, Norway, Denmark and Portugal, we are being represented by observers at this conference, which is to show whether such a plan can be worked out within the framework of the North Atlantic Treaty Organisation; because it is, I think, quite clear that this must be within the framework of the North Atlantic Treaty Organisation. We shall watch to see what is to come out of that, but, as at present advised, I do not think we shall be wise at present to do more than send observers there.

I wish to deal with the question of German re-armament. This question, as the right hon. Gentleman said, gives us—

MR. EDEN: The right hon. Gentleman has said, in relation to this conference, that we and the United States are sending observers. Of course, the United States cannot, by any stretch of the imagination, be called part of Europe. He has also strongly endorsed that this European Army should, if possible, be created.

THE PRIME MINISTER: We have considered going forward with this plan. We have not yet approved it, but we have not thrown cold water on it. I agree that the United States are interested. They are part of the Atlantic Organisation, and the essential thing is to see how this fits in with the political organisation. It is natural for the United States and Canada to have observers, as we have because we are part of the Atlantic Organisation.

The right hon. Gentleman expressed his own anxieties about German re-armament. All who have been through two wars feel that this is a matter which causes great anxiety among people of quite different political points of view. It is not confined to any one party. We remember that German military might was destroyed in the First World War, but its basis, those limited forces allowed after the treaty of Versailles, remained. The nucleus of the German general staff remained; and with the advent of Hitler a new war machine was created and the world was again plunged into war. Since 1945 the German power to wage war has been far more drastically destroyed than after the First World War.

The purpose of the Allies in ensuring the removal of the menace of German militarism has been achieved; and I think that a very great deal of the evidence shows that the mass of the German people, after the experiences they have gone through, are reluctant to engage in military service. We must not press that argument too far, but after 1945, after the

demilitarisation, there was a way open for the removal of the tension which heavy armaments have caused in Europe for so many generations, provided all other nations were prepared to play their part.

Unfortunately, that has not happened. While Britain and the United States demobilised their Forces, at the end of the war, Soviet Russia did not. By the existence of these immense forces she has been able to surround herself with a ring of satellites, dominated by Communist Governments obedient to the will of the Kremlin. In those satellites, as the right hon. Gentleman said, strong forces are being built up; and into this circle of satellite States the Soviet Government have sought in every way to include Eastern Germany. Like other countries in that orbit she has been organised on the Soviet pattern. Cliques of Communists are in control and a force of so-called police has been created which is being trained and equipped as a military force.

Therefore, in any examination of the problem of German re-armament, we must start at the place where it is actually happening—in the Soviet zone of Germany; just as when we wish to discuss the danger to the world of armaments it is better to consider those in existence, rather than to consider re-armament which is still only in the planning stage. It is the existence of those arms which have caused the world to re-arm, and the major question facing the world today is not the demilitarisation of Germany, but whether the Communist bloc can be brought to reduce their armed forces to reasonable proportions and abandon their imperialist policies.

It is in this context that the question of the re-armament of Western Germany has to be considered. If we can get real and genuine settlement with Soviet Russia the matter of German re-armament would become less important and fall into its natural place. But if we cannot get this agreement we have to consider the defence of the West, and that includes the defence of Western Germany. If the Western Germans are not to be allowed to defend themselves, then an obligation rests on the occupying Powers to defend them, and that has been accepted.

What does that mean for Britain, France, the United States and the rest of the Atlantic Powers? Are they to provide all the men and materials and money to defend Germany? I doubt if that is a practical proposition. Alternatively, the Occupying Powers might withdraw, leaving an unarmed Western Germany as the neighbour of an Eastern Germany with its para-military organisation, the armed satellites and Russia. That is not a practical proposition. The only other course is to allow Germany to make her contribution to the integrated forces for the defence of Western Europe and this can be done only with the full agreement and co-operation of the German people.

We have accepted the need for a contribution from Germany, but the

time, method and conditions will require a great deal of working out. There is, first of all, the provision of arms. Obviously, the re-armament of the countries of the Atlantic Treaty must precede that of Germany. Second, I think the building up of Forces in the democratic States should precede the creation of German forces. Third, the arrangements must be such that German units are integrated in the defence Forces in a way which would preclude the emergence again of a German military menace. Fourth, there must be agreement with the Germans themselves.

German democracy must make sure that the armed forces will be its servants and not its masters. I agree that there is always that danger of an emergence again of the same kind of forces that made Germany a menace; but you do not get rid of that by leaving a vacuum. The answer is that there should be democratic forces democratically controlled in Germany.

(iv) Revision of the Occupation Controls in Germany, Bonn, 6 March 1951¹

(a) Communiqué issued by the Allied High Commission²

Important measures which arise from the decisions taken by the Foreign Ministers at their September 1950 meeting in New York³ are being published to-day. These measures mark an important step in the development of normal relations between the Governments of France, Great Britain and the United States and the Government of the Federal Republic. Further measures to this end should result from the decisions, taken by the Foreign Ministers in Brussels in December 1950, to proceed in negotiations with representatives of the Federal Republic towards the establishment of contractual relations in connexion with the association of Germany in the common defence effort of the West. The following are the most important of the measures announced to-day. In order to accelerate the integration of the Federal Republic in the community of free nations, the Allied High Commission has approved the immediate establishment of a Federal Ministry of Foreign Affairs and has authorised the Federal Government to enter into direct diplomatic relations with friendly nations and to exchange diplomatic representatives with them. Foreign diplomatic and consular representatives on Federal Territory will normally be accredited to the Federal Republic. The High Commissioners have promulgated a first Instrument of Revision of the Occupation Statute in which certain reserved powers are given up or are reduced. For example, the powers of the High Commission in the field of internal action under paragraph 2 (h) of the Statute are given up, while powers in respect of foreign trade and

¹ Great Britain: Foreign Office: Revision of the Occupation Controls in Germany, Bonn, 6th March, 1951 (Cmd. 8252) (London, H.M.S.O., 1951).

² Ibid. p. 4.

³ Documents (R.I.I.A.) for 1949-50, pp. 333-6.

exchange are considerably reduced. Furthermore, Federal and Land legislation will no longer be subject to prior review by the Allied High Commission before coming into force.

In furtherance of the re-establishment of the German public and private credit in the world, an Agreement has been reached between the Federal Government and the Governments of the three Occupying Powers by which the former confirms its responsibility for the pre-war external debts of the German Reich and acknowledges the debts arising out of the assistance furnished to Germany by the Allied Governments since 8th May, 1945. This Agreement will in due course be laid before the Bundestag for ratification. The three Powers have in return indicated that the debt settlement will be a negotiated one in which the interested parties, debtors and creditors, as well as the Governments concerned, including the Federal Government, will take part. It is also agreed that in establishing the amount and manner of payment of the German external debts consideration will be given to the general situation of the Federal Republic, in particular its capacity to pay and its territorial limitations.

In order to make an essential contribution to international co-operation, the Federal Government has also given a written undertaking to the Allied High Commission that it is prepared to co-operate in the equitable apportionment of materials, products and services which are in short supply or required for the common defence.

Finally, the High Commissioners have announced their programme for giving up Occupation Statute controls regarding respect for the constitutions, decartelisation and deconcentration, and displaced persons and refugees, as soon as certain specified conditions have been fulfilled.

(b) Letter to the Federal Chancellor, Dr. Konrad Adenauer, on agreement on certain External Debts1

Bonn-Petersberg,

Mr. Chancellor,

23rd October, 1950

I have the honour to refer to the communiqué issued by the Foreign Ministers in New York in which they indicated that the Federal Government would be expected to undertake certain commitments consonant with the new responsibilities which the Governments of the three Occupying Powers contemplated would be conferred upon the Federal Republic. The three Governments hold that, at the moment when the Federal Government assumes responsibility for the conduct of its foreign relations, the status of the obligations resting upon it in its relations with foreign countries should be clarified. The three Governments regard the Federal Government as the only German Government which can speak for

Germany and represent the German people in international affairs pending the re-unification of Germany. They consider, therefore, that pending a final peace settlement, and without prejudice to its terms, the Federal Government is the only Government entitled to assume the rights and fulfil the obligations of the former German Reich.

The High Commission has communicated to the Federal Government separately the decisions which have been taken by the Foreign Ministers concerning the clarification of the status of treaties to which the German Reich was a party. The question of the obligations of the Reich also involves the external debt of the Reich. The three Governments consider that the Federal Government should, in consonance with what has been said above, assume responsibility for the pre-war external debt of the Reich. They recognise that, in the determination of the manner in which and the extent to which the Federal Government is to fulfil the obligations arising from this assumption, account must be taken of the general situation of the Federal Republic, including, in particular, the effect of the limitations on its territorial jurisdiction.

The determination of the financial responsibilities of the Federal Government necessarily also involves the obligations resulting from the economic assistance which has been furnished by the Occupying Powers to Germany. As the Federal Government is aware, the Occupying Powers have, at considerable cost to the peoples of their own countries, extended substantial economic assistance to Germany since the termination of hostilities, with a view to ensuring the well-being of the German people and assisting them in the rehabilitation of their economic life. In due course, the Occupying Powers will call for a settlement of the obligations arising from this assistance. They will consider in the settlement of these obligations the ability of the Federal Government to pay and other relevant factors. Meanwhile, they consider that the Federal Government should acknowledge its debt in respect of the expenditures which they incurred and that it should recognise the prior status of these obligations over other claims.

It is the intention of the three Governments to proceed as promptly as possible with the development of a settlement plan which will assure fair and equitable treatment of the interests affected and remove as far as practicable obstacles to normal economic relations between the Federal Republic and other countries. These arrangements would necessarily be provisional and subject to revision when Germany is reunited and a final peace settlement becomes possible. The three Governments are agreed that the plan should provide for the orderly settlement of the claims against Germany, the total effect of which should not dislocate the German economy through undesirable effects on the internal financial situation, nor unduly drain existing or potential German foreign exchange resources.

It should also avoid adding appreciably to the financial burden of any

Occupying Power.

The three Governments have instructed the Inter-Governmental Study Group on Germany in London to prepare a plan for handling claims in accordance with the above principles and to recommend arrangements for the appropriate participation of other interested Governments and the debtors and creditors, including the Federal Government. The Federal Government will in due course be informed of the results of these studies.

Although there are numerous problems to which it has not yet been possible to give consideration, the three Governments are in agreement that the settlement plan should include, in particular, those categories of claims whose settlement would best achieve the objective of normalising the economic and financial relations of the Federal Republic with other countries. In their view the plan must therefore necessarily deal with the prewar external debt as well as with the claims in respect of post-war economic assistance which enjoy a priority status over all other claims. The plan should also provide for the settlement of certain claims in connexion with social insurance operations and with the conversion into Deutschemark of Reichsmark brought back from Germany by repatriated prisoners of war and deportees, if these claims have not been disposed of before the establishment of the plan.

In addition to the foregoing matters, other questions may arise in the detailed working out of the settlement arrangements. For example, it may be necessary to give consideration to certain pre-war debts owed to the residents of foreign countries which may not be strictly classifiable as external in character.

The three Governments recognise that a settlement plan of the scope envisaged can be put into effect only through some modification of the priority of their claims in respect of post-war economic assistance. Accordingly, the three Governments have agreed that, provided a settlement plan is worked out in accordance with the principles outlined in the preceding paragraphs and provided further that agreed procedures and controls are established that will govern this settlement plan and all payments made under it, they will modify the priority of their claims in respect of post-war economic assistance to the extent necessary to permit the fulfilment of such an agreed plan. This qualified modification of the priority of claims in respect of post-war economic assistance will not preclude the continued fulfilment of the obligations which the Federal Government has already incurred under existing agreements concerning such claims.

The three Governments feel certain that the Federal Government shares their view as to the desirability of restoring Germany's credit and of providing for an orderly settlement of German debts which will ensure fair treatment to all concerned, taking full account of Germany's economic

problems. They feel equally certain that the Federal Government will share their belief that such a settlement will contribute to the restoration of normal relations between Germany and other countries.

The three Governments would appreciate receiving a formal assurance from the Federal Government that it regards itself as responsible for the pre-war external debt of the German Reich and that it recognises its debt with respect to the expenditures incurred by the Occupying Powers for economic assistance to the Federal Republic and affirms the priority of the claims arising from such assistance over other claims against Germany. They would also appreciate receiving assurances of the co-operation of the Federal Government in working out and implementing a settlement plan.

In order to give formal effect to these undertakings and assurances and to the undertakings and assurances offered by the Governments of the three Occupying Powers, I have to propose that an agreement in the terms of the annex attached to this letter should be concluded by an exchange of notes between the Allied High Commission and the Federal Government. It is the intention of the High Commission to proceed with the modification of the controls in the Occupation Statute on the lines agreed by the three Foreign Ministers as soon as this exchange of notes is completed and the assurance in respect of co-operation in an equitable apportionment of materials and products in short supply required for common defence, on which a separate letter is to-day being sent to you, has been received. However, it is the understanding of the three Governments that the exchange of notes on debt obligations will be submitted to the Federal legislature for approval and I have to request you to confirm that this will be done at the appropriate time.

I beg your Excellency to accept, &c.

IVONE KIRKPATRICK.

Enclosure

The Federal Republic herewith assumes responsibility for the pre-war external debts of the German Reich, including those debts of other entities subsequently determined to be liabilities of the Reich, and for interest payments and other charges on securities of the Government of Austria to the extent such payments and charges became due after 12th March, 1938, and before 8th May, 1945. The Governments of the United States of America, of the United Kingdom of Great Britain and Northern Ireland and of the Republic of France, on their part, affirm that, in the determination of the manner in which and the extent to which the Federal Republic will fulfil the responsibility assumed hereunder, account will be taken of the general situation of the Federal Republic including, in particular, the effects of the limitations on its territorial jurisdiction.

The Federal Republic herewith acknowledges the debt in respect of the

expenditure on economic assistance furnished by the three Governments to Germany since 8th May, 1945, to the extent to which responsibility for such debt has not previously been acknowledged in the Economic Cooperation Agreement of 15th December, 1949, between the United States of America and the Federal Republic, or for which the Federal Republic has not become responsible pursuant to Article 133 of the Basic Law. The Federal Republic acknowledges that the proceeds from German exports are subject to a lien on behalf of the debt acknowledged in this paragraph on the same basis as that provided for in the said Agreement of 15th December, 1949.

The Federal Republic further affirms that settlement of the obligations for all economic assistance furnished by the three Governments to Germany since 8th May, 1945, shall have priority over settlement, whether in foreign exchange or in Deutschemark, of all other foreign held claims against Germany or Germans, except for foreign held claims arising out of trade subsequent to 8th May, 1945, essential to the economic recovery of the Federal Republic. The three Governments, on their part, will give due regard in the settlement of the claims for such economic assistance to Germany, to the ability to pay of the Federal Republic and other relevant factors.

The Federal Republic herewith expresses its desire to resume payments on the German external debt and to co-operate in the working out and implementation of a plan for the settlement of public and private claims against Germany and German nationals, it being understood that such a plan will be provisional in nature and subject to revision when Germany is reunited and a final peace settlement becomes possible.

(c) Assurance by the Federal Chancellor on Debts1

Mr. High Commissioner,

Bonn, 6th March, 1951

In reply to your letter of 23rd October, 1950—AGSEC (50) 2339—I have the honour to inform you as follows:-

The Federal Republic hereby confirms that it is liable for the pre-war external debt of the German Reich, including those debts of other corporate bodies subsequently to be declared liabilities of the Reich, as well as for interest and other charges on securities of the Government of Austria to the extent that such interest and charges became due after 12th March, 1938 and before 8th May, 1945.

The Federal Government understands that in the determination of the manner in which and the extent to which the Federal Republic will fulfil this liability, account will be taken of the general situation of the Federal Republic including, in particular, the effects of the limitations on its territorial jurisdiction and its capacity to pay.

II

The Federal Government acknowledges hereby in principle the debt arising from the economic assistance furnished to Germany since 8th May, 1945, to the extent to which liability for such debt has not previously been acknowledged in the Agreement on Economic Co-operation concluded on 15th December, 1949, between the Federal Republic and the United States of America, or for which the Federal Republic has not already taken over responsibility under Article 133 of the Basic Law. The Federal Government is ready to accord the obligations arising from the economic assistance priority over all other foreign claims against Germany or German nationals. The Federal Government regards it as appropriate to regulate any questions connected with the recognition and settlement of these debts by bilateral agreements with the Governments of the countries which have rendered economic assistance patterned on the Agreement concluded with the United States of America on 15th December, 1949. The Federal Government takes for granted that these agreements will contain an arbitration clause for cases of dispute. The Federal Government is prepared at once to enter into negotiations for the conclusion of such agreements with the Governments concerned.

III

The Federal Government hereby expresses its desire to resume payments on the German external debt. It understands that there is agreement between it and the Governments of France, the United Kingdom of Great Britain and Northern Ireland and of the United States of America on the following.

It is in the interest of the re-establishment of normal economic relations between the Federal Republic and other countries to work out as soon as possible a settlement plan which will govern the settlement of public and private claims against Germany and German nationals.

Interested Governments, including the Federal Republic, creditors and debtors, shall participate in working out this plan.

The settlement plan shall in particular deal with those claims, the settlement of which would achieve the objective of normalising the economic and financial relations of the Federal Republic with other countries. It will take into account the general economic position of the Federal Republic, notably the increase of its burdens and the reduction in its economic wealth. The general effect of this plan shall neither dislocate the German economy through undesirable effects on the internal financial situation nor unduly drain existing or potential German foreign exchange

resources. It shall also not add appreciably to the financial burden of any Occupation Power.

The Governments concerned may obtain expert opinions on all questions arising out of the negotiations on the settlement plan and on the capacity to pay.

The result of the negotiations shall be set forth in agreements. It is agreed that the plan will be provisional in nature and subject to revision as soon as Germany is reunited and a final peace settlement becomes possible.

I beg your Excellency to accept, &c.

ADENAUER.

(d) Reply by the High Commissioners, on behalf of the three Governments, to the Federal Chancellor's assurance on Debts¹

Bonn-Petersberg,

Mr. Chancellor,

6th March, 1951

In reply to your letter of 6th March, 1951, on the subject of German indebtedness we have the honour, on behalf of the Governments of France, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, to acknowledge the undertakings of the Federal Government in regard to the responsibility of the Federal Republic for the pre-war external debts of the German Reich and for the debt arising out of the economic assistance furnished to Germany by the three Governments since 8th May, 1945.

With regard to the priority accorded to the obligations arising from the post-war economic assistance we are authorised to state that the three Governments would not propose to exercise this priority in such a way as to restrict settlement of foreign-held claims arising out of trade subsequent to 8th May, 1945, essential to the economic recovery of the Federal Republic.

With regard to the question of an arbitration clause in agreements covering the debts for post-war economic assistance, the three Governments will be prepared, when negotiating such agreements, to consider whether it would be useful to include an arbitration clause to deal with any matters which might be appropriately settled by such a procedure.

We further have the honour on behalf of the three Governments to confirm the understandings of the Federal Government as set forth in the second paragraph of Article I and in Article III of your Excellency's letter. They are now engaged in preparing proposals for the working out of settlement arrangements: these will provide for the participation of foreign creditors, German debtors, and interested Governments including the Federal Government. The proposals will be designed to arrive at an

¹ Cmd. 8252, pp. 9-10.

orderly overall settlement of pre-war claims against Germany and German debtors and of the debt arising out of the post-war economic assistance, which would be fair and equitable to all the interests affected, including those of the Federal Government. It is the intention that the resulting settlement should be embodied in a multilateral agreement; any bilateral agreements that may be considered to be necessary would be concluded within the framework of the settlement plan. As soon as their proposals are ready the three Governments will communicate them to the Federal Government and to other interested Governments and will discuss with them these proposals and the procedure to be adopted for dealing with the subject.

We have the honour to state that our three Governments regard your Excellency's letter under reference and this letter as placing on record an agreement between the Governments of France, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, on the one hand, and the Government of the Federal Republic on the other, concerning the questions of German indebtedness covered in these letters. These letters are prepared in English, French and German, each

text being equally authentic.

Accept, &c.

For the Government of the French Republic the United Kingdom the United States of America

A. François-Poncet Ivone Kirkpatrick John J. McCloy

(e) Letter from the High Commission requesting an assurance by the Federal Government on the Equitable Apportionment of Raw Materials¹

Bonn-Petersberg,

Mr. Chancellor,

23rd October, 1950

You will recall that the Foreign Ministers, in their communiqué on Germany, issued in New York on 19th September, 1950,² after referring to their willingness to amend the Occupation Statute, stated that 'the Federal Republic will be expected to undertake certain commitments and other actions consonant with its new responsibilities.'

In view of the fact that the amendments to the Occupation Statute, now under active consideration, will transfer to the Federal Government certain reserved powers, the exercise of which may become necessary in the interests of the defence effort of the Western Nations, the Allied High Commission hereby requests the Federal Government formally to give an assurance that it will co-operate with the Western Powers in the equitable apportionment of materials, products and services which are or may be in short supply or required for the common defence.

¹ Cmd. 8252, pp. 10-11.

² Documents (R.I.I.A.) for 1949-50, p. 333.

At the present time it is not possible to determine in detail the areas where shortages can be expected, the Organisations which will be designated to cope with these shortages, or the specific measures which the Federal Government might find it necessary to take in the discharge of its obligations. It can be stated, however, that now and in the immediate future the Federal Government is expected to maintain conditions under which Western orders may be freely placed in Western Germany and under which deliveries against these orders will be made in the normal course of events, and not to increase unduly the internal consumption of these goods at the expense of exports. It can also be anticipated that, with the prospective increase in the defence effort of the Western Powers, the Federal Government will be expected to lend support to industries producing critical items in short supply and to institute measures designed to assure, at fair prices, supplies of finished goods, raw materials and services for Western defence requirements in an equitable proportion to Western Germany's internal requirements for consumption and investment and in preference to the import demands of countries outside the Western defence effort.

I beg your Excellency to accept, &c.

IVONE KIRKPATRICK,

Chairman.

(f) Assurance on the Equitable Apportionment of Materials, Products, and Services given by the Federal Chancellor¹

Mr. High Commissioner,

Bonn, 6th March, 1951

I have received your letter, AGSEC (50) 2340, of 23rd October, 1950, and, as requested, I hereby confirm that the Federal Government will co-operate in the equitable apportionment of materials, products and services which are or may be in short supply or required for the common defence.

In the spirit of this co-operation the Federal Republic is in particular prepared—

- (a) not to impose export restrictions on Western orders placed in the area of the Federal Republic for the above items, detrimental to the equitable apportionment of said items;
- (b) to take measures to prevent internal consumption of said items from unduly increasing at the expense of exports of said items and to lend support to industries producing the above items;
- (c) when the situation requires, to institute measures designed to ensure, at reasonable and non-discriminatory prices, supplies of the above items for Western defence requirements in an equitable proportion

to the internal requirements for consumption and investment within the area of the Federal Republic and with the appropriate degree of priority over the import demands of countries outside of Western defence effort.

I beg your Excellency to accept, &c.

ADENAUER.

(g) First Instrument of Revision of the Occupation Statute1

The Council of the Allied High Commission hereby promulgates the following modifications of the Occupation Statute which except as modified by this Instrument continues in force.

- I.—In paragraph 2 (b) after the words 'non-discrimination in trade matters' insert the following 'to the extent required for the purposes of paragraph (g) (2) below.'
 - II.—Paragraph 2 (c) is amended to read as follows:—
 - '(c) foreign affairs, including international agreements made by or on behalf of Germany: but the powers reserved in this field will be exercised so as to permit the Federal Republic to conduct relations with foreign countries to the full extent compatible with the requirements of security, other reserved powers and obligations of the Occupying Powers relating to Germany.'
 - III.—Paragraph 2 (g) is amended to read as follows:—
 - (g) control over foreign trade and exchange to the extent necessary:

(1) to meet the needs of security;

(2) to ensure the observance by the Federal Republic of the principles of the General Agreement on Tariffs and Trade, until the Federal Republic has become a party to the Agreement and assumed the obligations thereunder;

- (3) to ensure the observance by the Federal Republic of the principles and practices of the International Monetary Fund Agreement and to control its exchange rate, until the Federal Republic has become a member of the Fund and assumed satisfactory obligations thereunder with respect to its exchange rate;
- (4) to provide for orderly settlement of claims against Germany.'

IV.—Paragraph 2 (h) is deleted.

- V.—Paragraph 5 is amended to read as follows:
- '(a) Any amendment of the Basic Law will require the express approval of the Occupation Authorities before becoming effective. Any agreement made between the Federal Republic and a foreign Government will become effective 21 days after its official receipt by

the Occupation Authorities unless previously disapproved by them provisionally or finally. Land constitutions, amendments thereof and all other Federal or Land legislation will be effective without review by the Occupation Authorities but will be subject to repeal or annulment by them.

'(b) The Occupation Authorities will not disapprove any agreement between the Federal Republic and a friendly country or repeal or annul legislation unless in their opinion it is inconsistent with the provisions of the Occupation Statute as revised or with legislation or other measures of the Occupation Authorities or constitutes a grave threat to the basic purpose of the occupation.'

VI.—Paragraph 7 is amended to read as follows:—

- '(a) Insofar as it is based upon reserved powers, Occupation legislation will remain in force until repealed or amended by the Occupation Authorities.
- '(b) All other Occupation legislation will remain in force until repealed by the Occupation Authorities at the request of the appropriate German authorities, or repealed or amended by the German authorities upon authorisation by the Occupation Authorities.'

VII.—This Instrument shall become effective on 7th March, 1951. Done at Bonn, Petersberg, on 6th March, 1951.

A. François-Poncet
French
High Commissioner
for Germany

IVONE KIRKPATRICK
United Kingdom
High Commissioner
for Germany

JOHN J. McCloy
United States
High Commissioner
for Germany

(h) Decision No. 10 of the Allied High Commission for Germany: Programme for the Revision of Occupation Controls¹

In implementation of the decisions taken by the Foreign Ministers of France, the United Kingdom and the United States at their New York meeting on 18th September, 1950, the Council of the Allied High Commission, having this day promulgated the 'First Instrument of Revision of the Occupation Statute' has decided to adopt the following programme for further relaxation of controls under the Occupation Statute:—

1. The powers reserved by paragraph 2 (b) relating to deconcentration will be exercised only to ensure completion of Allied programmes relating to the steel, coal and motion picture industries, I. G. Farben and the Grossbanken and actions which, as of 31st December, 1950, were called for under laws adopted by the Allied High Commission or have been

initiated through legal process taken under existing laws. Upon completion of such programmes and actions these powers will be relinquished.

2.—(a) The powers reserved by paragraph 2 (b) relating to decartelisation will be relinquished upon the enactment by the Federal Republic of legislation satisfactory to the Occupation Authorities, including provisions

to prevent new concentrations of economic power.

(b) The powers reserved by paragraph 2 (d) relating to displaced persons and the admission of refugees will be relinquished as soon as commitments and other action satisfactory to the Occupation Authorities have been taken by the Federal Government with respect to the admission, care and protection of displaced persons and refugees, including safeguarding their civil rights, assuring the continued and effective operation of international and allied agencies established for their care and resettlement, and compensating victims of Nazi persecution.

(c) The power reserved by paragraph 2 (f) relating to respect for the Basic Law and the Land constitutions will be relinquished as soon as the Federal Republic has established a judicial authority deemed by the Occupation Authorities to be capable of effectively upholding the civil

rights of the individual as defined in the Basic Law.

3. The Occupation Authorities will retain the powers necessary to ensure that the Federal Government carries out commitments undertaken and legislation enacted pursuant to paragraph 2 above, and that the essential features of such legislation are maintained.

4. The Council of the Allied High Commission will issue further Instruments of Revision of the Occupation Statute from time to time as the conditions prescribed by this decision for the relinquishment of powers are

fulfilled.

5. This decision shall become effective on 7th March, 1951.

Done at Bonn, Petersberg, on 6th March, 1951.

On behalf of the Council of the Allied High Commission:

A. François-Poncet, French High Commissioner for Germany. Chairman.

(i) Decision No. 11: Competence of the Federal Government in the field of Foreign Affairs¹

In exercise of the powers reserved by paragraph 2 (c) of the Occupation Statute as amended by the First Instrument of Revision, the Council of the Allied High Commission decides as follows:—

ARTICLE I

The Federal Government is hereby authorised to establish a Ministry of Foreign Affairs and shall have exclusive responsibility for the choice of the personnel of its diplomatic, consular and trade missions.

ARTICLE 2

The Federal Government may conduct relations with foreign countries subject to the provisions of this Decision.

ARTICLE 3

- 1. The establishment of diplomatic or consular relations or trade missions shall be subject to the prior approval of the Allied High Commission.
- 2. The Federal Government may, however, establish without such approval diplomatic missions in those countries, other than France, the United Kingdom and the United States of America, in which prior to the effective date of this Decision it has been authorised to establish consular offices.
- 3. No prior approval will be required for the establishment of consular offices or trade missions in those countries with which the Federal Government has diplomatic or consular relations.

ARTICLE 4

The Federal Government is hereby authorised to appoint official agents in the capitals of France, the United Kingdom and the United States of America.

ARTICLE 5

The accreditation and status of foreign missions in the Territory of the Federal Republic will be governed by the following provisions:—

- (i) Diplomatic missions and consular offices established in the Territory of the Federal Republic will normally be accredited to and recognised by the Federal Republic. In exceptional circumstances they may be accredited to or recognised by the Allied High Commission. In no case will there be a dual accreditation of missions to the Allied High Commission and to the Federal Republic or the issue of exequaturs to consuls by both the Allied High Commission and the Federal Government.
- (ii) The accreditation of foreign missions to the Federal Government shall be notified to the Allied High Commission and they will thereafter have access to it in all matters relating to the fields reserved to the Occupation Authorities.

ARTICLE 6

The Federal and Land Governments shall keep the Allied High Commission informed of any international negotiations. The Allied High Commission may intervene in negotiations relating to the fields reserved to the Occupation Authorities.

ARTICLE 7

The Federal Government shall furnish to the Allied High Commission all appropriate information regarding action taken pursuant to the provisions of this Decision.

ARTICLE 8

This Decision shall become effective on 7th March, 1951.

Done at Bonn, Petersberg, on 6th March, 1951.

On behalf of the Council of the Allied High Commission:

A. François-Poncet, French High Commissioner for Germany. Chairman.

(v) Address by M. Vincent Auriol, President of the French Republic, to the United States Congress, 2 April 1951¹

I am deeply moved by the exceptional honor you are rendering me in allowing me to appear before this Assembly and to address you from this glorious rostrum. It will touch the heart of the people of France to whom, through me, this homage and this warm welcome are directed.

I am the more deeply moved that my visit is the first one made by a President of the French Republic, in the name of France to the Republic of the United States, and that it recalls to me two historic visits to our country made by two of your illustrious statesmen: Benjamin Franklin in 1776, and, a century and a half later, after the First World War, President Wilson.

It gives me an opportunity to pay tribute to your heroic young men who under the command of their glorious leaders twice rushed to our ravaged country to share with our sons in the fight.

These memories illustrate our common history, and this history already long and always friendly is a history of freedom.

In recalling these memories in the presence of the Congress of the great American democracy, I want to express our constant and heartfelt sympathy to all the families whose sons have died for our common ideal and are resting forever in French soil, side by side with the sons of France and of the other Allied nations. Through you representing the 48 States of the

Department of State Bulletin, 9 April 1951, pp. 563-5 and 575.

Union, I wish to tell the American people of our grateful and loyal friend-ship and of our unshakable attachment to the great human principles France has always proclaimed—principles embodied both in your Declaration of Independence and in our Declaration of the Rights of Man and of the Citizen, principles which, 3 years ago, after so many trials and contests, have received the unanimous consecration of the United Nations.

These sacred achievements of man which are not only the most precious values in our civilization but also the conditions for all future improvement, for all individual and social progress, are today threatened—we are sorrowfully obliged to admit this—only 6 years after our two peoples made sacrifices never before equaled in history, for the attainment and organization of a just and tranquil peace.

Confronted with this situation, far different from what we had wanted and expected, with our security threatened, any nation worthy of her freedom must face reality and take stock of her own responsibilities. Today I have come to tell you what France thinks and what France seeks.

Gentlemen, you are the representatives of a people who insist upon truth. Your opinions are based on facts and your judgments on acts and not on words.

This is why I will ask you this question: When in the defense of her independence and the sacred cause of liberty a nation has lost 357,000 men from 1914 to 1918, 575,000 dead from 1939 to 1945—(240,000 perished in uniform in the first and last battles for freedom—112,000 were shot or were killed by bombing—182,000 died deported to Germany for belonging to the underground, and 40,000 died in enemy labor camps); when, for the same cause, the same nation, fighting at the door to Southeastern Asia, in Indochina, a war which has lasted more than 4 years, does not hesitate to reaffirm her faith in international law by sending to Korea officers and men whose heroism makes them the worthy comrades of your officers and men; then I ask you, who could seriously question her determination? In fact, what nation has ever proved better her love for independence and for peace and her will to defend both?

The attitude which has been given the barbarous name of 'neutralism' has always been foreign to the French soul, not only because it is a moral absurdity—can anyone be neutral between servitude and liberty, between good and evil?—but because it is geographical and historical nonsense. Our people have experienced the frailty of their exposed land and sea frontiers. Almost alone in 1914 and again in 1939 they have met the first shock of armies so powerful that each time it has taken 4 years of ceaseless effort and a coalition of the world's forces to defeat them. Therefore they know that right without might is powerless. They know that isolation is death. They know that neutrality, whether declared, armed or disarmed, has protected neither Belgium, the Netherlands, Norway nor Denmark

and that an aggressor would never stop at a frontier post, even should it be surmounted with a dove holding the branch of an olive tree!

Finally, they know that France is not simply the western extremity of Europe in the Mediterranean and the Atlantic, but that the French Union extends its influence and civilization to all parts of the world and that in the common strategy for freedom and peace, France has courageously accepted the tasks and responsibilities of a great world power. They know also that once France has fallen, the whole of Europe will be in chains with all her potential strength in the service of the invader and that the whole world, indeed civilization itself, will be in mortal danger.

I shall always remember the clear warning when, in 1919, as a young deputy, I heard it stated from the rostrum of our own Parliament by the President of the United States that France still stands at the frontier.

... here is where the blow fell because the rulers of the world did not sooner see how to prevent it ... they know that the only way to do this is to make it certain that the same thing will not always happen that has happened this time, that there never shall be any doubt or waiting or surmise, but that whenever France or any free people is threatened, the whole world will be ready to vindicate its liberty. . . .

Because they did not establish this union in time, because they did not organize soon enough and at the most vulnerable points a collective defense prepared for instant action, the democratic nations with their decisions delayed by the interplay of their institutions or by the scruples and indiscipline of freedom were once more thrown into the most destructive of wars. One after the other, nations fell which would have been saved had they joined their forces. And France herself who entered the fight faithful to her word, was wounded on the ramparts, imprisoned for 4 years and almost destroyed.

If our people had given up, if for a single moment they had hesitated between resistance and collaboration with the enemy, if they had not been willing to subject themselves to an implacable oppression, had not chosen to destroy, often with their own hands, their properties and their tools, rather than work for the enemy, if they had permitted him at times when the fortunes of war were in the balance to have a free disposition of their remaining resources and forces in Metropolitan France and in her overseas territories what would Europe and the world be today?

After such common fights and sacrifices, the achievement of the final victory must not make us forget the perils to which we were led by an uncoordinated diplomacy and strategy. It is the very old story of the Horatii and the Curiatii. For the goal to be reached is not to liberate a Europe which may once more be occupied, enslaved, exploited and ravaged and whose name, you may be sure, would only recall the final ruin of a

civilization, but rather, by shielding her against aggression, to protect the whole community of the free nations and in this way to save peace.

In putting into practice an effective union, in which risks as well as efforts must be shared, France has a clear understanding of her duties and of her rights.

Her contribution to the defense of freedom and of peace is first of all her

own recovery.

Undoubtedly, Gentlemen, our people are sometimes disparaged and they are sometimes guilty of self-disparagement. But those of you whom we have had the joy of welcoming in our country have been able to see the road covered since the liberation.

In 1944, the country was bled white, the state disrupted, 90 per cent of our departments were in ruins, our lands were laid fallow, our industrial equipment was pillaged or obsolete, our ports, our means of communication were in shambles, more than two million houses were destroyed or damaged, our economy and our finances were ruined.

In 1951, there is an increased population, republican institutions are reestablished, our production has been raised to the level of 133 as compared with 100 in 1938, our commercial balance is in equilibrium and our currency stabilized before the rise in prices of raw materials could compromise the equilibrium thus gradually attained, our homes have been built again and the specter of social troubles and of despair has been pushed aside.

Gentlemen, it is with pride that I speak of the accomplishments of our workers, of our engineers, of our leaders of enterprise, of our farmers, of our administrators, of all Frenchmen and of their representatives. The generous aid that you have given us through the Marshall Plan, for which I am happy to thank you today publicly, has not been extended to us in vain. In giving a decisive impulse to our paralyzed economy, it has again opened for us the way to work and to hope, and by driving away the threat of unemployment and misery, it has preserved us from social upheavals which are the breeding ground for adventure and tyranny.

Though a great deal remains to be done, this first balance sheet of our recovery testifies to the courage of our people, supported by your brotherly assistance.

Our next contribution to the cause of freedom and peace is our rearmament effort which our Parliament has voted by a huge majority without hesitation or reservations. This has been done in spite of the already enormous burden of our reconstruction and reequipment and of our military expenditures. It is certainly not the fault of our two nations if world collective security has not been organized, though we consider this failure as merely temporary. The spirit of aggression is foreign to both Americans and Frenchmen. But in the face of threats of totalitarian

expansion and the formation of certain mighty groups of powers whose policies and armaments are not subject to the free control of the people, we have turned thoughtfully and inflexibly to regional pacts and especially to the regional pact of the North Atlantic which, conforming to the statutes of the United Nations, has but one aim—to deter aggression and to strengthen the peace. Thus, by our reciprocal undertakings that we shall from now on pool together our resources of arms and troops at all threatened and strategic points, we have made the Atlantic community a solid foundation of our common security and of peace.

For us, indeed, the effort for peace and the effort for defense are not contradictory; they complement each other. With the prudence and firmness dictated by our said experience, we shall never cease to answer negation, procedural obstructionism and propaganda in the language of right, of truth and of sincerity.

Let us not fail to speak clearly, frankly and firmly. Let us put at the service of peace and freedom, side by side with our material forces as long as those are needed, the invincible moral forces which always animate free people aware of the righteousness of their cause.

We shall not tire, on our part, of repeating the conditions that are necessary for the reestablishment of trust and cooperation among all peoples. Does everyone sincerely want peace? In that case, everyone must respect the commitments subscribed to in the Charter of the United Nations by all the allies of yesterday; in that case, certain countries must stop interfering in the internal affairs of others in an effort to weaken their freely chosen regimes, to provoke troubles, to paralyze production and to pour daily insults upon their Governments.

In that case, international and permanent control by the United Nations Organization of armaments, of all armaments, in all countries, must be accepted, in order to limit fairly and later to destroy all classic or atomic weapons.

In that case, the national armies must be progressively replaced by a United Nations army as provided by the common Charter.

In that case, every country must agree to the free movement of wealth, ideas, and persons as well as the free and sincere expression of view, under international control of peoples on whom regimes have been imposed by force.

Here are, among so many others, the questions to which answers must be found. And so that they may be answered clearly, I am asking them here, clearly and publicly, before the Legislature of a great nation which is ridiculously accused every day, as is ours, of warmongering, and I am certain that I speak in the name of all the men who want peace with liberty, the only peace worth living for.

Finally, our effort to unite and organize Europe must be considered a

contribution to the defense of peace and liberty by all who believe that it is not sufficient to guarantee the security of nations and of individuals but that we must also, by assuring welfare and justice, enrich their existence and increase their attachment to society.

France is working toward this goal by the creation of communities of production of which the coal and steel pool, that bears the name of its moving spirit, President Schuman, is but a beginning and a preface for others that we are preparing. France is working toward this goal through the Council of Europe and the Strasbourg Assembly which she initiated. She is working toward it in seeking the formation of a European army—the nucleus of a future international army—to take its place, first of all, in the great Atlantic army whose illustrious leader General Eisenhower I wish to salute here today.

Passionately devoted to the realization of a European federation which will put an end to secular antagonisms, France has put aside her legitimate resentment against the enemy of yesterday, demanding of it only that it bring to the cause of cooperation the admission of its responsibilities as well as the proof of its redemption through the repudiation of its old regime and the sincere attachment to the cause of democracy. Convinced of the need for supranational institutions, France has declared herself prepared to grant to those bodies, in conformity with her Constitution and under condition of reciprocity, part of her sovereignty. And she hopes to convince the still hesitant nations that they will not curtail their sovereignty but on the contrary strengthen it by associating it with the others, by uniting their resources and labor to increase their forces, by developing and coordinating their industrial and agricultural economies, by widening their markets, by raising the standard of living of their workers, in a word, by making of the old divided Europe, slow of decision, torn with antagonisms, distrustful of herself, a new and harmonious organism animated by one soul and adapted to the needs and exigencies of the modern world.

Patiently and untiringly, we shall pursue the realization of these United States of a free Europe which, with full respect for the independence and dignity of all nations, will join the United States of America to work still more effectively for the welfare and peace of the world. In this way, we shall translate into actuality the prophecy of Victor Hugo who said, 75 years ago, on the eve of the Philadelphia Exhibition:

The Future is already foreseeable. It belongs to a united and peaceful democracy. And you, our delegates to the Philadelphia Exhibition, you are beginning under our eyes the superb realization which the Twentieth Century will witness: the union of the United States of America and of the United States of Europe.... Go, workers of France, go, workers of Paris who know how to think, go, girl artisans of Paris who know how to fight, useful men, brave women, go and carry the good news, go and tell the New World

that the Old World is young. You are the ambassadors of fraternity. The two continents will exchange not only their products, their trade, their industries, but also their ideas and the progress they make in justice as well as in prosperity.

Gentlemen, I would be happy if, today, I could have been one of those

useful ambassadors of friendship and of peace.

(vi) Extract from Mr. Aneurin Bevan's personal statement to the House of Commons on resigning his post as Minister of Labour, 23 April 1951¹

It has for some time been obvious to the Members of the Government and especially to the Ministers concerned in the production Departments that raw materials, machine tools and components are not forthcoming in sufficient quantity even for the earlier programme and that, therefore, the figures in the Budget for arms expenditure are based upon assumptions already invalidated. I want to make that quite clear to the House of Commons; the figures of expenditure on arms were already known to the Chancellor of the Exchequer to be unrealisable. The supply Departments have made it quite clear on several occasions that this is the case and, therefore, I begged over and over again that we should not put figures in the Budget on account of defence expenditure which would not be realised, and if they tried to be realised would have the result of inflating prices in this country and all over the world.

It is now perfectly clear to any one who examines the matter objectively that the lurchings of the American economy, the extravagant and unpredictable behaviour of the production machine, the failure on the part of the American Government to inject the arms programme into the economy slowly enough, have already caused a vast inflation of prices all over the world, have disturbed the economy of the western world to such an extent that if it goes on more damage will be done by this unrestrained behaviour than by the behaviour of the nation the arms are intended to restrain.

This is a very important matter for Great Britain. We are entirely dependent upon other parts of the world for most of our raw materials. The President of the Board of Trade and the Minister of Supply in two recent statements to the House of Commons have called the attention of the House to the shortage of absolutely essential raw materials. It was only last Friday that the Minister of Supply pointed out in the gravest terms that we would not be able to carry out our programme unless we had molybdenum, zinc, sulphur, copper and a large number of other raw materials and non-ferrous metals which we can only obtain with the consent of the Americans and from other parts of the world.

I say therefore with the full solemnity of the seriousness of what I am

¹ H.C. Deb. 5th ser. vol. 487, coll. 35-39.

saying, that the £4,700 million arms programme is already dead. It cannot be achieved without irreparable damage to the economy of Great Britain and the world and therefore the arms programme contained in the Chancellor of the Exchequer's Budget is already invalidated and the figures based on the arms programme ought to be revised.

It is even more serious than that. The administration responsible for the American defence programme have already announced to the world that America proposes to provide her share of the arms programme not out of reductions in civil consumption, not out of economies in the American economy but out of increased production; and already plans are envisaged that before very long the American economy will be expanded for arms production by a percentage equal to the total British consumption, civil and arms.

And when that happens the demands made upon the world's precious raw materials will be such that the civilian economy of the Western world outside America will be undermined. We shall have mass unemployment. We have already got in Great Britain under-employment. Already there is short-time working in many important parts of industry and before the middle of the year, unless something serious can be done, we shall have unemployment in many of our important industrial centres. That cannot be cured by the Opposition. In fact the Opposition would make it worse—far worse.

The fact is that the western world has embarked upon a campaign of arms production upon a scale, so quickly, and of such an extent that the foundations of political liberty and Parliamentary democracy will not be able to sustain the shock. This is a very grave matter indeed. I have always said both in the House of Commons and in speeches in the country—and I think my ex-colleagues in the Government will at least give me credit for this—that the defence programme must always be consistent with the maintenance of the standard of life of the British people and the maintenance of the social services, and that as soon as it became clear we had engaged upon an arms programme inconsistent with those considerations, I could no longer remain a Member of the Government.

I therefore do beg the House and the country, and the world, to think before it is too late. It may be that on such an occasion as this the dramatic nature of a resignation might cause even some of our American friends to think before it is too late. It has always been clear that the weapons of the totalitarian States are, first, social and economic, and only next military; and if in attempting to meet the military effect of those totalitarian machines, the economies of the western world are disrupted and the standard of living is lowered or industrial disturbances are created, then Soviet Communism establishes a whole series of Trojan horses in every nation of the western economy.

It is, therefore, absolutely essential if we are to march forward properly, if we are to mobilise our resources intelligently, that the military, social and political weapons must be taken together. It is clear from the Budget that the Chancellor of the Exchequer has abandoned any hope of restraining inflation. It is quite clear that for the rest of the year and for the beginning of next year, so far as we can see, the cost of living is going to rise precipitously. As the cost of living rises, the industrial workers of Great Britain will try to adjust themselves to the rising spiral of prices, and because they will do so by a series of individual trade union demands a hundred and one battles will be fought on the industrial field, and our political enemies will take advantage of each one. It is, therefore, impossible for us to proceed with this programme in this way.

I therefore beg my colleagues, as I have begged them before, to consider before they commit themselves to these great programmes. It is obvious from what the Chancellor of the Exchequer said in his Budget speech that we have no longer any hope of restraining inflation. The cost of living has already gone up by several points since the middle of last year, and it is going up again. Therefore, it is no use pretending that the Budget is just, merely because it gives a few shillings to old age pensioners, when rising prices immediately begin to take the few shillings away from them. [Hon. Members: 'Hear, hear.']

It is no use saying 'hear, hear' on the opposite side of the House. The Opposition have no remedy for this at all. But there is a remedy here on this side of the House if it is courageously applied, and the Budget does not courageously apply it. The Budget has run away from it. The Budget was hailed with pleasure in the City. It was a remarkable budget. It united the City, satisfied the Opposition and disunited the Labour Party—all this because we have allowed ourselves to be dragged too far behind the wheels of American diplomacy.

This great nation has a message for the world which is distinct from that of America or that of the Soviet Union. Ever since 1945 we have been engaged in this country in the most remarkable piece of social reconstruction the world has ever seen. By the end of 1950 we had, as I said in my letter to the Prime Minister, assumed the moral leadership of the world. [Interruption] It is no use hon. Members opposite sneering because when they come to the end of the road it will not be a sneer which will be upon their faces. There is only one hope for mankind, and that hope still remains in this little island. It is from here that we tell the world where to go and how to go there, but we must not follow behind the anarchy of American competitive capitalism which is unable to restrain itself at all, as is seen in the stockpiling that is now going on, and which denies to the economy of Great Britain even the means of carrying on our civil production.

(vii) Ending the State of War with Germany

(a) Statement by Mr. Morrison in the House of Commons, 9 July 19511

I desire to inform the House that steps are being taken in our country, the United States and France to terminate the state of war with Germany as from today. This action was agreed upon by the Foreign Ministers of the three Western occupying Powers in New York last September, as was announced in the communiqué published at the time.² In the case of the United Kingdom, action will take the form of a publication of a notice in the Official Gazette. Similar steps will be taken today in a number of Commonwealth and other countries which were allied to us in the war with Germany.

This development is further evidence of the determination of His Majesty's Government, the French Government and the United States Government to remove all possible obstacles to normal relations with the German Federal Government. His Majesty's Government have for some time past felt that the persistence of a state of war with Germany in the domestic law of the United Kingdom was not in accordance with the actual state of our relations with Germany. The present action will remove this legal anomaly and its effects on the status of Germans in this country.

It should at the same time be understood that it in no way affects the position of the occupying Powers in Germany, or their responsibilities in connexion with the conclusion of an eventual Treaty with Germany, which are not based upon the persistence of a state of war either in international or domestic law.

(b) Letter from President Truman to the Vice-President, Mr. Alben Barkley, and the Speaker of the House, Mr. Sam Rayburn, proposing that Congress end the state of war with Germany, together with the text of the proposed resolution, 9 July 1951³

The progress which has been made in the recovery of Europe and in the strengthening of democratic institutions there makes it appropriate at this time to end the status of Germany as an enemy country. Bit by bit in recent years we have carried out a policy, agreed upon with our allies, of building up a freely elected German government, and returning to the German people an increasing degree of control over their affairs. This policy has been most successful. As a legal matter, however, we are still in a state of war with Germany. It therefore becomes desirable, in pursuance of our policy, to bring this state of war to an end.

Six years ago, when the wartime allies achieved complete victory over Germany, the country was destitute and there was no effective German

¹ H.C. Deb. 5th ser. vol. 490, coll. 39-40.

² Documents (R.I.I.A.) for 1949-50, pp. 333-6.

³ Department of State Bulletin, 16 July 1951, pp. 90-92.

government. Allied control was the only way to manage the prostrate country. We went forward with a clearly stated policy which anticipated that after a period of Allied occupation and reconstruction we would be able, together with our allies, to conclude a treaty of peace with a newly-established German government—a government truly representative of the German people, willing to assume its responsibilities as a member of the world community and anxious to work with its free neighbors in maintaining the peace and fostering the prosperity of Europe.

We have never deviated from this policy. Neither have our British and French allies. Unfortunately for all of us, however, and especially for the people of Germany, Soviet Russia has actively prevented the growth of a representative democratic government in a unified Germany, and has thus made impossible for the time being the arrangement of a final peace settlement. The Soviet effort has been, instead, to cut the eastern third of Germany away from the rest of the country and to develop it as a province of the new Soviet Empire.

As it became plain that we could not expect Soviet cooperation in rebuilding all of Germany as a self-respecting, democratic and peaceful nation, we were forced to change our approach. The ultimate fulfillment of our German policy had been delayed, but we were determined to do all we could to advance that policy in the part of Germany under our control. We were joined in our efforts by the British and French governments. Together with them, we gave the German people under our jurisdiction the chance to create their own government. Now, approximately twothirds of the area of prewar Germany and three-fourths of the German people are free of Soviet control, within the present borders of the German Federal Republic. The Government of the Federal Republic rests on a democratic constitution worked out by representatives of the people themselves and approved by the Western Occupying Powers. Since its birth in September 1949, this German government has shown steadily increasing responsibility and readiness to take its place in the community of free nations and to do its share toward building peaceful and cooperative relationships with its neighbors of the West.

On their side, the occupying powers have shown faith in the German people and in the government of the Federal Republic by a continuing process of relaxing occupation controls on the one hand and increasing the scope of the Federal Republic government's responsibility on the other. This process has been accompanied by a changing attitude on both sides. The relationship of conqueror and conquered is being replaced by the relationship of equality which we expect to find among free men everywhere.

Last September, the governments of Great Britain, France, and the United States took another step in harmony with their developing policy

when they joined in the following statement regarding continuation of a state of war with Germany:

In the spirit of the new relationship which they wish to establish with the Federal Republic, the three governments have decided, as soon as action can be taken in all three countries in accordance with their respective constitutional requirements, to take the necessary steps in their domestic legislation to terminate the state of war with Germany.

This action will not affect the rights and status of the Three Powers in Germany, which rest upon other bases. It will, however, create a firmer foundation for the developing structure of peaceful and friendly relationships and will remove disabilities to which German nationals are subject. It is hoped that other nations will find it possible to take similar action in accordance with their own constitutional practices.¹

In this statement, our Government and the governments of the other Western Occupying Powers clearly recognized the desirability of bringing the existing technical state of war to a close, and pledged themselves to take action in collaboration with one another to that end. Since this declaration was issued, discussions have been held with the other friendly countries who are also in a technical state of war with Germany, and most of them have indicated their willingness to take similar action in the near future—thus lifting Germany from its present enemy status.

Ending the state of war with Germany will have many tangible benefits. Germans who wish to travel or do business here will receive the status accorded to nationals of other friendly governments. They will no longer be classed as enemies. While Germans have been permitted to have commercial relations with this country since the Presidential proclamation of December 31, 1946, declaring hostilities at an end, German citizens are still subject to certain disabilities, particularly with respect to suits in United States courts. General disabilities of this kind will be eliminated by the termination of the present state of war.

The termination of the state of war with Germany will not affect the status of the occupation. The rights of the occupying powers do not rest upon the existence of a state of war, as such, and will not be affected by its legal termination. The rights of the occupying powers result from the conquest of Germany, accompanied by the disintegration and disappearance of its former government, and the Allied assumption of supreme authority. We are not surrendering these rights by terminating the state of war. We do intend, however, in agreement with our allies, to grant the Federal Republic increasing authority over its own affairs, and eventually to see Germany restored as a fully sovereign nation.

Similarly, the termination of the state of war will not affect in any way the rights or privileges, such as the right to reparations, which the

¹ Documents (R.I.I.A.) for 1949-50, pp. 334-5.

United States and its citizens have acquired with respect to Germany as a result of the war.

Furthermore, it is not intended that the termination of the state of war shall in any way change or alter the program, which Congress has authorized, of seizing, under the Trading With the Enemy Act, German property in this country on or before December 31, 1946, and using the proceeds to pay just and legitimate claims arising from the war in accordance with the War Claims Act of 1948. The vesting of German property under this program does not extend to property acquired since the resumption of trade with Germany on January 1, 1947, following the cessation of hostilities. It is limited to German property and rights located here before or during the period of hostilities.

Most of this German property has already been identified and vested. This government does not intend to embark on any new program in this field. However, some of the property already subject to vesting is believed to be cloaked or hidden and not yet discovered, and some is still under examination or subject to legal proceedings. Most of the property remaining unvested is involved in problems of conflicting jurisdiction between this and other governments, which are in the process of settlement by negotiation under authority of legislation which was enacted in September of last

year.

Should the vesting power lapse immediately, this government would find it difficult to wind up this program in an orderly way, or to carry out its commitments for the equitable settlement of intergovernmental differences

relating to enemy property.

Completion of the vesting of wartime enemy property, even after the conclusion of peace, is commonly accepted practice in connection with the settlement of claims between the nations which were at war. Our peace treaties with Bulgaria, Hungary, Rumania and Italy all authorize

the continued vesting and retention of such property.

In the absence of treaty provisions, however, there may be legal obstacles to the continued vesting of German property, after the termination of the state of war, unless there are changes in our existing statutes. According to the terms of the Trading With the Enemy Act, many of its powers expire at the 'end of the war', a phrase which the Act defines to mean the date of proclaiming the exchange of ratifications of a treaty of peace, or an earlier date fixed by Presidential proclamation. There is some doubt that the vesting powers of the Trading With the Enemy Act can be exercised after the termination of the state of war, unless expressly provided for in new legislation.

This doubt should be eliminated, and it should be made clear that the Congress intends the vesting of German property for the purpose of paying

war claims to continue.

In these circumstances, I believe that the best method for terminating the state of war with Germany would be by the enactment of appropriate legislation in advance of the issuance of a Presidential proclamation.

Such action will give the German people a new demonstration of our desire to help bring them back to membership among the nations of the free world. It will represent another and logical step on the road which leads toward the eventual restoration of German independence.

I will appreciate it if you will lay this matter before the Congress for its consideration. For the convenience of the Congress, I am attaching a draft of a joint resolution that would be appropriate to achieve these objectives.

DRAFT RESOLUTION

To terminate the state of war between the United States and the Government of Germany.

Resolved by the Senate and House of Representatives of the United States in Congress Assembled, That the state of war declared to exist between the United States and the Government of Germany by the Joint Resolution of Congress approved December 11, 1941, shall be terminated and such termination shall take effect on such date as the President shall by proclamation designate:

Provided, however, that notwithstanding this resolution and such proclamation by the President, any property or interest which prior to January 1, 1947, was subject to vesting or seizure under the provisions of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, or which has heretofore been vested or seized under that Act, including accruals to or proceeds of any such property or interest, shall continue to be subject to the provisions of that Act in the same manner and to the same extent as if this resolution had not been adopted and such proclamation had not been issued. Nothing herein and nothing in such proclamation shall alter the status, as it existed immediately prior hereto, under that Act, of Germany or of any person with respect to any such property or interest.

(viii) Communiqué issued at the end of the Three-Power talks in Washington, 14 September 19511

The Foreign Ministers of France, the United Kingdom and the United States have held meetings in Washington from September 10 through September 14. The three Foreign Ministers have met frequently in the last few years primarily because of the special and explicit responsibilities of their Governments in regard to Germany and Austria. The meetings equally offer a convenient opportunity for the three Ministers to exchange

¹ Department of State Bulletin, 24 September 1951, p. 486.

views on world developments and informally to review problems of mutual concern to their three countries.

The Foreign Ministers have noted with satisfaction the results already achieved by their three countries, together with other free nations of the world, in order to insure their common security and to safeguard the peace. They again recorded the fundamental unity of the policies of their three governments in regard to the many and acute problems facing them today.

The Foreign Ministers have reviewed the relationship of their countries to the German Federal Republic, and have agreed on instructions to the Allied High Commission for negotiation of mutually acceptable agreements with the Federal Government, the effect of which will be to transform that relationship completely.

As a result of the agreement reached by the three Foreign Ministers in Brussels last December, the High Commission has already explored with the Federal Government the way to establish relations between the three Powers and the Federal Republic on as broad a contractual basis as possible, in the light of German participation in Western Defense. The Foreign Ministers have now instructed the High Commission to proceed to negotiations with the Federal Government which will, it is hoped, culminate in early agreements between the four Governments to enter into effect together with the agreement for German participation in Western Defense through the proposed European Defense Community, whose forces would form part of the joint defense forces under the North Atlantic Supreme Command.

The Foreign Ministers have agreed on certain general principles to guide the High Commission in its negotiations with the Federal Government. As stated in the Tripartite Declaration issued today the guiding principle of their policy continues to be the integration of the Federal Republic on a basis of equality within a European community itself included in a developing Atlantic Community. Such integration would thus be inconsistent with the retention in future of an occupation status or of the power to interfere in the Federal Republic's domestic affairs.

The Ministers believe that the agreements now to be reached with the Federal Government should provide the basis for its relationship to their countries until a peace settlement with a unified Germany becomes possible. The division of Germany, however, prevents the conclusion of such a settlement at this time. This division and the security problem confronting the Federal Republic obliges the Allies to retain, in the common interest, certain special rights but only in relation to the stationing of armed forces in Germany and the protection of the security of those forces, as well as to questions affecting Berlin and Germany as a whole, including the eventual peace settlement and the peaceful reunification of Germany.

The High Commission will proceed to negotiations with the Federal Government as rapidly as possible. The Ministers hope to be able to consider at an early meeting final drafts both of the agreements to be reached by the three Powers and the Federal Republic and of the agreement for the establishment of a European Defense Community including Germany.

The three Foreign Ministers were unanimous in stating that in the view of their Governments there is no justification for any further delay in the conclusion of a treaty for the re-establishment of a free and independent Austria. This has been the constant aim since the conclusion of hostilities. They will not desist in their efforts to bring the Soviet Government to the same view and to that end they have decided to make a new and resolute effort in the meetings of the Austrian Treaty Deputies to fulfill the long over-due pledge to the Austrian people.

The Italian Government has pointed out the contradiction between some provisions of the Italian peace treaty and the present Italian position in the family of free nations. The Ministers studied sympathetically this question which will be the subject of further conversations between the Governments.¹

Note was taken of the necessity further to examine in collaboration with the other members of the North Atlantic Treaty Organization the most effective use of their combined resources taking full account of the social and economic as well as of the military needs of their peoples.

While recognizing the gravity of the world situation, especially in the face of the continued defiance of the United Nations by the forces of aggression in Korea, the Ministers nevertheless found solid grounds for confidence in the growing strength and unity of the free world.

The three Ministers on behalf of their Governments and peoples restate their fidelity to the principle contained in the United Nations Charter that international differences must be resolved by peaceful processes and not by force or threat of force. They therefore express the hope that the forthcoming meeting of the General Assembly of the United Nations in Paris will afford a real opportunity for contacts and exchanges of views which the three Foreign Ministers are, for their part, prepared fully to use.

(ix) Declaration issued by the United States, British and French Foreign Ministers after their meetings at Washington, 14 September 1951²

The three Foreign Ministers declare that their Governments aim at the inclusion of a democratic Germany, on a basis of equality in a Continental European Community, which itself will form a part of a constantly developing Atlantic Community.

¹ See also above, pp. 75-97.
² Department of State Bulletin, 24 September 1951, p. 485.

The three Ministers recognize that the initiative taken by the French Government concerning the creation of a European Coal and Steel Community and a European defense community is a major step towards European unity. They welcome the Schuman Plan as a means of strengthening the economy of Western Europe and look forward to its early realization. They also welcome the Paris Plan as a very important contribution to the effective Defense of Europe, including Germany.

The participation of Germany in the common defense should naturally be attended by the replacement of the present Occupation Statute by a new relationship between the three Governments and the German Federal Republic.

The Government of the United Kingdom desires to establish the closest possible association with the European continental community at all stages in its development.

The three Ministers reaffirm that this policy, which will be undertaken in concert with the other free nations, is directed to the establishment and the maintenance of a durable peace founded on justice and law. Their aim is to reinforce the security and the prosperity of Europe without changing in any way the purely defensive character of the North Atlantic Treaty Organization. They reaffirm their determination that in no circumstances shall the above arrangements be made use of in furtherance of any aggressive action.

(x) Extract from a speech by the British Prime Minister, Mr. Winston Churchill, on the Government's Policy, Guildhall, London, 9 November 1951¹

What is the world scene as presented to us today? Mighty forces, armed with fearful weapons, are baying at each other across a gulf which, I have the feeling tonight, neither wishes and both fear to cross, but into which they may tumble and drag each other to their common ruin.

On the one side stand all the armies and air forces of Soviet Russia and all their Communist satellites, agents, and devotees in so many countries. On the other are what are called 'the western democracies', with their far superior resources, at present only partly organized, gathering themselves together around the United States with its possession of the mastery of the atomic bomb.

Now there is no doubt on which side we stand. Britain and the Commonwealth and Empire, still centring upon our island, are woven by ever-growing ties of strength and comprehension of common need and self-preservation to the great republic across the Atlantic Ocean. The sacrifices and exertions which the United States is making to deter, and if

possible prevent, Communist aggression from making further inroads upon the free world are the main foundation of peace.

A tithe of the efforts now being made by America would have prevented the second world war and would have probably led to the downfall of Hitler, with scarcely any blood being shed except his own.

I feel deep gratitude towards our great American ally. They have risen to the leadership of the world without any other ambition but to serve its highest causes faithfully.

I am anxious that Britain should also play her full part, and, gathering all her Commonwealth around her, present a revival of her former influence and initiative among the allied Powers, and indeed among all Powers.

It must not be forgotten that under the late Government we took peculiar risks in providing the principal atomic base for the United States in East Anglia, and that, in consequence, we placed ourselves in the very forefront of Soviet antagonism. We have therefore every need and every right to seek and receive the fullest consideration from Americans for our point of view, and I feel sure this will not be denied us.

In order to regain our position we must do our utmost to re-establish as quickly as possible our economic and financial solvency and independence. We were shocked and surprised by the situation with which we were confronted after accepting responsibility a fortnight ago. This resulted partly from world causes, but also partly to the prolonged electioneering atmosphere in which we have dwelt for nearly two years, and especially for the past two months.

We are newcomers after six long, eventful years, but we have certainly, it seems to me at first sight, been left a tangled web of commitments and shortages, the like of which I have never seen before, and I hope and pray we may be granted the wisdom and the strength to cope with them effectively. If these conditions of furious political warfare between the two halves of our party-divided Britain are to continue indefinitely, and we are all to live under the shadow of a third General Election it will not be at all good for the main life interests of the British nation, or for her influence in world affairs.

Nevertheless, whatever way things may go we shall not fail to do our duty, however unpopular that may be. It is not cheers that we seek to win or votes we are playing to catch, but respect and confidence. This cannot come from words alone but only from action which proves itself by results. Results cannot be achieved by the wave of a wand.

Time is needed for a new administration to grasp and measure the facts which surround us in baffling and menacing array. More time is needed for the remedies we propose, and will propose, to produce their curative effects.

Nothing would be easier than for this country, politically rent asunder

as it is, to shake and chatter itself into bankruptcy and ruin. But under grave pressures we have proved ourselves to be a wise and unconquerable people, and I am sure that we shall succeed.

No doubt the Government will make mistakes. We shall not hesitate to admit them. I made many in the war, but in the end we got out of it all right. It is, however, always a comfort in times of crisis to feel that you are treading the path of duty according to the lights that are granted you. Then one need not fear whatever may happen.

It was in this spirit that we all came through our worst perils 11 years ago; and I have a good and buoyant hope that the great mass of the nation will give us its ungrudging aid on all matters of truly national import.

If this happens they may feel in two or three years' time that they have not been led on wrong courses and that Britain stands erect again, calm, resolute, and independent, the faithful servant of peace, the valiant champion of freedom, and the honoured member of a united world instrument for preserving both.

- (xi) Extract from a speech in the House of Commons by the Foreign Secretary, Mr. Anthony Eden, 19 November 1951¹
- ... The German Federal Government was set up more than two years ago. The aim of His Majesty's Government is to associate Germany, if we can, more and more fully with the European community, and at the same time to transfer our special responsibilities in Germany gradually to the Germans themselves. The two processes must go hand in hand. The latest stage in this double process is the agreement that, with Germany's entry into the European defence community, the existing Occupation Statute should be replaced by a new relationship based on equal partnership.

Mr. Sydney Silverman (Nelson and Colne): I am very grateful to the right hon. Gentleman for giving way. When the right hon. Gentleman says Germany he is using an ambiguous term, and I was wondering if he would tell us exactly what he means. Is it Western Germany or all Germany, and is he abandoning any prospects of a unified Germany?

Mr. Eden: The hon. Gentleman will know certainly from my argument that I do not visualise abandoning any prospect of unifying Germany. I am coming to that, but it is quite true that I should have said in this respect, the Federal Government in Bonn. I thought it was fairly clear that what I was dealing with was the Government in Germany with whom we are at present in diplomatic relations.

The existing Statute—we cannot talk of the East Germany Statute, because we are not responsible for that—would be replaced by new relationship based on equal partnership. Discussions about this are now going on in Bonn. They are complicated and they will take time, because

they have to cover all aspects of the right relationship with Germany. They are not finished. I had hoped that they would be finished before we met the Chancellor in Paris on Thursday. I am afraid they will not be, but so far they are going quite well, better, I must confess, when I came to read the papers, than I had expected to find. I hope that when they are concluded we shall have approached a normal peacetime relationship with the Government of Bonn. More important still, can we not hope by these steps permanently to resolve—or shall we say begin to resolve—the traditional Franco-German conflict? No event could more certainly strengthen the solidarity of the whole Western world than that.

Member for Nelson and Colne (Mr. S. Silverman)—we have submitted to the Assembly of the United Nations a proposal in connection with the future unity of Germany, the whole of Germany. It owes its origin to a suggestion of Dr. Adenauer. The proposal is that an impartial, international commission should be appointed to carry out a simultaneous investigation in the Eastern Zone, in Berlin, and in the Federal Republic, to establish whether the conditions make possible the holding of genuinely free elections by secret ballot.¹

We should welcome this if it could be agreed, because it is a practical first step towards a settlement of this crucial problem of the division of Germany. I hope that the Soviet Government, although they voted against the admission of this item on the Assembly's agenda, may, nevertheless, still come to see the matter in this light, and that we shall be able to proceed.

Mr. Schuman, Mr. Acheson and I have taken one further step. We have invited the German Federal Chancellor to meet us in Paris on Thursday in order that we may review all these problems with him. In particular, we shall welcome the opportunity of examining the work that has so far been done in the negotiations which our High Commissioners have been conducting in Bonn. I am also glad, and so I know is the whole House, that in the first week in December we shall be able to welcome Dr. Adenauer to London. He has played, and is playing, an important part in the creation of the new Germany and of the new community of Europe.

(xii) STATEMENT ON WEST GERMAN SOVEREIGNTY ISSUED BY THE THREE WESTERN FOREIGN MINISTERS AND DR. ADENAUER AFTER THEIR MEETING IN PARIS, 22 NOVEMBER 19512

The Foreign Ministers of France, the United Kingdom, and the United States met today with Dr. Adenauer.

¹ See below, p. 279.

² Department of State Bulletin, 3 December 1951, pp. 891-2.

This meeting, the first occasion on which the Chancellor and Foreign Minister of the German Federal Republic had jointly conferred with the foreign ministers of the three Western Powers, marked in itself a notable advance in the progressive association of the German Federal Republic with the West on the basis of equal partnership. All participants welcomed the opportunity given for a general review of a problem of mutual concern.

In the course of the conversation, which dealt with the general political situation of the Federal Republic in connection with the present world situation, the four foreign ministers reviewed the progress so far made in the negotiations carried on in Bonn for the establishment by freely negotiated agreements of a new basis for the relationship between their countries.

In particular they examined the draft of a general agreement between the four Governments which had been prepared in Bonn. This is to establish the main principles of their future relationship and can only enter into force together with the related conventions referred to below and the treaty establishing a European defense community.

Certain outstanding points in the general agreement were settled and, subject to final confirmation by their Governments, the ministers have approved the draft of this agreement. It will not be signed or published at present, since the four Governments agree that it must be completed by a number of related conventions governing in more detail other important matters arising out of the future relationship between them. The ministers agreed on the need for rapid progress in the completion of all these related conventions.

The general agreement will be a concisive step toward the realization of the common aim of the three Western Powers and the Federal Government to integrate the Federal Republic on a basis of equality in a European community itself included in a developing Atlantic community.

With the coming into force of the general agreement and the related convention, the Occupation Statute with its powers of intervention in the domestic affairs of the Federal Republic will be revoked, and the Allied High Commission and the Offices of the Land Commissioners will be abolished. The three powers will retain only such special rights as cannot now be renounced because of the special international situation of Germany, and which it is in the common interest of the four states to retain. These rights relate to the stationing and the security of the forces in Germany, to Berlin and to questions concerning Germany as a whole.

The mission of the forces stationed in Germany by the three powers will be the defense of the free world, of which the Federal Republic and Berlin form part. Their status will be settled in detail in one of the related conventions. Any disputes rising from the interpretation or application of the general agreement or the related conventions—with the exception of certain special rights—will be settled by a court of arbitration.

The Federal Republic will undertake to conduct its policy in accordance with the principles set forth in the Charter of the United Nations and with the aims defined in the Statute of the Council of Europe.

The four ministers are agreed that an essential aim of the common policy of their Governments is a peace settlement for the whole of Germany freely negotiated between Germany and her former enemies, which should lay the foundation for a lasting peace. They further agreed that the final settlement of the boundaries of Germany await such a settlement.

They reaffirmed their intention to strive for the establishment of German unity and agree on the importance of the proposals now before the General Assembly of the United Nations designed to ascertain whether free elections can be held simultaneously in the Federal Republic, Berlin, and the Soviet zone of Germany.¹

The four foreign ministers consider the contractual arrangement to be concluded between their Governments as well as the treaties for the creation of an integrated European community as essential steps to the achievement of their common aim: A unified Germany integrated within the Western European community.

(xiii) Communiqué issued after the Anglo-French talks in Paris, 18 December 19512

Mr. Churchill and Mr. Eden have had a number of talks with M. Pleven, M. Schuman, and other French Ministers in the last two days. The talks have shown agreement between the two Governments on all problems of the present international situation, notably the Far East, the Middle East, and Europe. The conversations have been guided on both sides by the conviction that, in order to meet the dangers that face Europe, all steps leading to greater unity in Europe should be welcomed and encouraged.

The British Ministers took the occasion to express their pleasure at the approval by the French Assembly of the Schuman plan. They hoped that the plan would soon come into effect, and reaffirmed the intention of his Majesty's Government to enter into close relations with the High Authority as soon as it was constituted. His Majesty's Government proposed to set up a permanent delegation at the seat of the Authority for this purpose.

The British Ministers declared that his Majesty's Government would resolve to maintain armed forces on the continent of Europe to fulfil their obligations in the common cause. His Majesty's Government would welcome the conclusion of an agreement between those countries parti-

² The Times, 19 December 1951.

cipating in the Paris conference. Both Governments are convinced that such an agreement offers the right method of integrating a democratic Germany in a purely defensive organization for European security. This would be a major step towards the structure of a united Europe. It would strengthen the defence of the North Atlantic area.

His Majesty's Government will associate themselves as closely as possible with the European defence community in all stages of its political and military developments. United Kingdom forces under the direction of the Supreme Allied Commander in Europe will be linked with those of the European defence community for training, supply and operations by land, sea, and air. They will stand together in true comradeship.

Finally the two Governments declare once again that the only objective of the Atlantic community to which they are indissolubly bound is to maintain and organize peace.

2. West European Union

(i) Extract from a speech by Sir David Maxwell Fyfe to the Consultative Assembly of the Council of Europe, 28 November 19511

It is a great pleasure to be taking part in the deliberations of the Assembly once again. I need hardly say that any change in my own position on the other side of the Channel² means no change of feeling in regard to the high privilege of working with so many friends and colleagues here for the cause of unity in Europe which has bound us all together. I hope that the Assembly may care to hear a statement on the policy of His Majesty's Government towards the Council of Europe.

It would only accord with the part which our Prime Minister played in the inception and fostering of the movement for European unity and in the early meetings of the Assembly that His Majesty's Government should be ready to play its part to the full in the work of the Council of Europe to-day. It is a special pleasure to say this in a debate which arises in part from the visit of our American friends, whom we welcomed so heartily.

I am also very glad that this debate has taken place in the presence of some of the representatives of the British Commonwealth and Empire attending this Session, because they have heard reference in the debate to the Commonwealth as a reality. They know, and I know, that the reality of the Commonwealth is a spiritual attitude in which formalities play little part.

¹ Council of Europe: Consultative Assembly, Third Session (Second Part), Official Report, vol. 3, pp. 512-14.

² After the Conservative victory in the British general elections in October Sir David became Home Secretary and Secretary for Welsh Affairs.

I shall not in this speech avoid problems of method, but I hope that I may be forgiven for saying it is on a similar spiritual basis that we desire to found our help and support for you to-day.

I understand that some difficulty has been caused by the words in a recent declaration which I will quote:

'The Government of the United Kingdom desires to establish the closest possible association with the European continental community in all stages in its development.'

Let me make two points absolutely clear. First, that does not mean the slightest withdrawal or standing aside from the Council of Europe. In all its work we desire to play our full part as an enthusiastic Member. Secondly, where a development arises or comes into play outside the Council of Europe, we wish to be associated with it, and we are always prepared to find a place for the Council of Europe in such association. Like all peoples of good will, we are eager to encourage a growing singleness of purpose and unity of aim among the Atlantic nations. No one would deliberately set limits to their efforts in co-operation.

I should like to explain at this point, however, that when we speak of Atlantic union or the Atlantic community, we are not thinking in terms of a federation embracing the countries of the North Atlantic Treaty Organization. This, in our view, is an idea which is quite unrealistic in present circumstances.

The partners in the North Atlantic Alliance have entered into a very close association for the purposes of defence, and it is only natural that, with their common cultural heritage and love of freedom, they should now seek to cement this alliance by co-operating more actively in political, economic, social and other matters. By working together in this way, both on defence and non-defence questions, a spirit of comradeship and common purpose is built up among the peoples of the North Atlantic Treaty Organization countries.

That, Mr. President, is our conception of the Atlantic community; but we see no conflict or incompatibility between this community and our no less eager wish to see the growth of unity and common action among the Member States of the Council of Europe. Each group contributes to and completes the development of the other. Only their co-existence can preserve a free world. It is in this spirit that we welcome all plans for closer European integration, and we wish to associate ourselves at all stages with any new bodies that may be set up as a part of such plans.

Having indicated our determination to associate ourselves with practical plans for the achievement of European integration, may I consider His Majesty's Government's position in a little more detail?

The United Kingdom, as Mr. Churchill once said, stands at the centre

of three (for us) concentric circles. The first embraces all the countries of the Commonwealth; the second embraces the United States and Canada; and the third embraces Western Europe, with which we have such close ties, not only of friendship but of culture, of history and of interest. In all these areas we are determined to play our part. We have interests and responsibilities in all these spheres, and we have to face the problems which this position creates in both the economic and the defence fields.

May I at this point say a word about federation? Many doubts would be laid, and much misunderstanding spared, if that word were only and always used in its correct meaning. To us, it means a decision to transfer in advance and finally certain governmental functions to a federal body with a consequent elaborately drawn separation of federal and state powers. We do not believe it is possible for a country in our position, with the responsibilities which I have mentioned, to take such a step. We do not think anyone, realist or idealist, looking at the world to-day would desire us to take this course.

On the other hand, we have gathered from many debates and forthright speeches in this Assembly that the desire for such a formal federation without our presence is not widespread.

We do not believe that this creates a deadlock. We believe that there is much important work for the Council to do as a whole. It must be remembered that it was at the request of the Assembly that the Committee of Ministers accepted the Recommendations on the setting up of Specialized Authorities and partial agreements within the framework of the Council.

It will always be part of our policy to support the conclusion of such partial agreements under the aegis of the Council of Europe, and to enter into closer relationship ourselves. Where it is impossible for us to enter, we should not dream of opposing or doing anything but wish them success. It would be our duty, and, believe me, our pleasure, to try and find methods of as close association as possible and of practical co-operation with whatever new international forms emerge.

The Schuman Plan is a case in point. I take as a starting-point—I repeat, as a starting-point—what has already been said, and part of which I have quoted. His Majesty's Government recognize that the initiative taken by the French Government concerning the creation of a European defence community is a major step towards European unity. They welcome the Schuman Plan as a means of strengthening the economy of Western Europe and look forward to its early realization. They desire to establish the closest possible association with the European continental community at all stages in its development.

Accordingly, Mr. President, if the Schuman Plan is ratified, His Majesty's Government will set up a permanent delegation at the seat of the High Authority to enter into relations and to transact business with it.

May I say a few words about the Pleven Plan? We live with the shadow of Communism on our wall, but we know that it will not be the writing on the wall for European civilization. That also is an anvil which has worn out many hammers.

Nevertheless, we believe that it is a condition of the free unity we want to serve, that everything possible should be done—by building up our defence forces and by making the maximum effort to adjust our economies to the needs of rearmament—to ensure that Western Europe is strong enough to discourage any aggressor and, being able to negotiate from strength, can thus pursue the path of closer integration in an atmosphere of peace and security.

Many of our Governments are members of the North Atlantic Alliance and have given a solemn undertaking to work for collective security through the organs of the North Atlantic Treaty Organisation.

The European Army is an integral and important part of the defence arrangements which we are making under the North Atlantic Treaty Organisation, and it would, I think, be wrong if any of us were to say anything here on the subject of the European Army which might hamper our Governments in the negotiations which are now taking place in Rome and which, I understand, will probably be continued at the next session of the North Atlantic Council.

Defence is a vital question, and we must, above all, avoid anything which would lead to confusion and unnecessary duplication.

I want, however, to make it clear that His Majesty's Government warmly welcome the initiative of the French Government in putting forward this bold and imaginative project. The formation of a European Army is a very important contribution to the effective defence of Western Europe. It provides a means by which the German Federal Republic can not only contribute towards the common defence effort but can also be brought into even closer association with it.

His Majesty's Government hope that the discussions now in progress in Paris will achieve useful and practical results. If a new organization emerges, we shall consider how best to associate ourselves with it in a practical way. As a first step, Mr. President, we have strengthened our team of observers in Paris in order to further the work of the conference and to place our knowledge and experience at its disposal.

I cannot promise you that our eventual association with the European defence community will amount to full and unconditional participation, because this, as I have said, is a matter which must, in our view, be left to inter-governmental discussion elsewhere. But I can assure you of our determination that no genuine method shall fail for lack of the thorough examination which one gives to the needs of trusted comrades.

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(ii) Extract from a speech by M. Paul Reynaud to the Consultative Assembly of the Council of Europe, 28 November 1951¹

Yesterday, some speakers said: 'Yes, of course, we are in favour of the European Army but on one condition; that in the first place we draw up an impeccable European constitution in black and white, have it signed by all Governments and submitted to a referendum of all peoples. And, after all that, we can get back to discussing the European Army.'

We, too, should like it to be possible to have a European constitution in black and white, like the United States Constitution. But those who have followed our debates during the last two years and three months, know that this idea is utterly unreal, that not for a moment is there any question of being able to achieve it at the present time. So much so that, in my opinion, instead of stipulating an impossible condition, it would be better to say outright: 'I do not want a European Army.'

But, it is added, your European Army would not be under the aegis of a European political authority. This is an error. In order to convince you, I would merely ask you to refer to what happened in August, 1950. There were two motions before the Assembly; one from Mr. Winston Churchill, and the other signed by several French Representatives, including myself.

Mr. Churchill's motion did not include any political authority. We pointed out to him that it was inconceivable to have a unified European Army, for which he was pleading and which, he said, must be created immediately, if there were no political authority over it. Those of you who belonged to the Assembly a year and three months ago, will remember that there was then a meeting between Mr. Churchill and his friends, on the one hand, and the proposers of the French motion on the other. Mr. Churchill recognized with his usual honesty that, indeed, the European Army for which he was pleading so energetically, was inconceivable without a political authority. He then agreed that after the words 'The Assembly calls for the immediate creation of a unified European Army'—which are his own—the words 'under the authority of a European Minister of Defence subject to proper European democratic control' should be added.² The objection raised yesterday that there would be no European Authority over the European Army is therefore not valid.

In the French Government's plan this head of the European Army is called a High Commissioner. High Commissioner or European Minister of Defence, to use Mr. Churchill's phrase—let us not quibble about words; there is no difference.

In order to establish this 'European democratic control' the French

Council of Europe: Consultative Assembly, Third Session (Second Part), Official Report, vol. 3, pp. 518-19.

For the text of the resolution as adopted see Documents (R.I.I.A.) for 1949-50, p. 331.

Government proposed in the Pleven plan that Representatives of countries which would give their support to the European Army should be selected from among you and that you should exercise this control. This plan contemplates the setting up alongside the head of the European Army,—the civilian head, the High Commissioner,—of a Committee of Ministers whose favourable opinion would have to be obtained by this or that majority varying with the gravity of the case. It is therefore incorrect to say that the idea of the European Army must be rejected because there is no supranational European civilian Authority.

If no agreement were reached between the Governments, or if the Parliaments were to refuse to ratify the treaty establishing a European Army, what would happen? I shall tell you. First the United States might go to the point of re-arming Germany. In that case, the German Government would have supreme control of an independent army, with the High Command which I have just mentioned; and this, I am very much afraid, would, perhaps in the none too distant future, endanger the young and still insecure German democracy and make the unification of Europe impossible. Rest assured at any rate that if this solution is adopted, the German Generals would have quite a large say with our allies across the Atlantic.

Secondly, Germany might refuse to re-arm. In that case General Eisenhower would find that Europe's quarrels prevented him from fulfilling his task and he would draw the appropriate conclusion. He would certainly not be blamed by the Senators and Representatives from the United States Congress who sat in this Hall last week. And the Soviets would be able to resume and complete their march to the Atlantic. It would be of no avail then to shed bitter tears.

I think that we must urge our British friends not to repudiate the motion of their great leader. We have just heard Sir David Maxwell Fyfe, whose great courtesy and talent we have been again privileged to admire. I should surprise him very much—for frankness is essential between the friends—if I did not tell him that he had greatly disappointed me when he said—'We shall consider how best to associate ourselves with it—the European Army—in a practical way.' That is a direct repudiation of the stirring motion as worded by the present leader of the British Government and adopted at his request in this Assembly by a large majority.

I believe that the only way to build a united Europe rapidly is to establish a European Army. If you have a European Army, with a European Authority and all that is implied in the organisation of an Army, particularly in relation to transport, you will create a united Europe. All the more so, since the Supreme Commander of all the Armies, including the European Army, whose views are known to you and who is an American, is one of the greatest Europeans.

But if you are content with the Schuman Plan, concerning which I understood Sir David Maxwell Fyfe to say that his Government's attitude was in no way different from that of the previous Government, that it would associate itself with the plan in friendly sympathy, and certainly—on this point we all agree—in all good faith, shall we on that account be moving towards the unification of Europe?

In Washington the phrase 'close association' was used. What does this mean? Searching among my few remaining scraps of legal knowledge, I note that an association is a civil contract. But what is a political association, and when does a political association become a close association? How long might a political association be expected to last? I do not know—and I am very much afraid that nobody knows. My friend M. Teitgen has proposed a formula of association to which I do not object, provided, of course, that the question of the European Army is omitted. And I am going to explain why.

Supposing the present British Government repudiates the motion voted by this Assembly at the request of its Prime Minister; that in the end it refuses to take part and is content to associate itself with the European Army in a practical way, do you realize, Gentlemen, what a powerful argument this would be for the opponents of the European Army in our Parliaments? For there are opponents of the European Army in our Parliaments. You do realize, don't you, that it is a great, an immense sacrifice for a country like France whose Army has had such a glorious history—in victory as in defeat—to put an end to the French Army and erect a stone over its grave. It is an immense sacrifice!

If the opponents of the European Army can say to our National Assembly: Britain is inviting us to submerge the French Army in a vast European Army, but she is taking good care not to do the same, herself; in this way she is retaining a military power which will give her the right to speak in international conferences whilst you will be left only with the right to keep silent. If they can say that there will no longer be a French Army but there will still be a British Army, what will be the reaction of my colleagues? Here I wish to utter a solemn warning to our British friends. Britain's refusal to take part in the European Army would, I am very much afraid,—I am almost certain—lead the French Parliament to reject the European Army, and I believe that no one here would in his heart of hearts dare to blame it.

That is what our British friends must remember to-day. To-morrow will be too late. I think it is our duty, when we have concluded this debate, to recall the motion voted by this Assembly by a large majority on 11th August, 1950, at the request of the greatest of all European statesmen, Winston Churchill.

(iii) Extracts from a speech by M. Paul-Henri Spaak to the Consultative Assembly of the Council of Europe on resigning the Presidency of the Assembly, 11 December 19511

Ladies and Gentlemen, from the Presidential Chair occupied by me until yesterday, I noticed things which often made me very sad. I have been continually surprised at the amount of talent expended in this Assembly in explaining why something should not be done. To-day everyone has his own good reasons why he should not make any move. Some Germans will not support a united Europe until the whole of Germany is united. Some Belgians will do so only if the United Kingdom joins in. Some Frenchmen are against a unification of Europe if it entails their being left to negotiate direct with the Germans. The British will not form part of a united Europe so long as they have not found a solution acceptable both to themselves and the Commonwealth. Our Scandinavian friends look on at all this in a somewhat disillusioned and disinterested manner, or so it appears.

I am quite convinced that if a quarter of the energy expended in this Assembly in saying 'no' were devoted to saying 'yes' to something positive when it is forthcoming, we should not find ourselves in the position we are to-day.

During this last Session I also found out something else of a more serious and distressing nature. Ladies and Gentlemen, I do not wish to hurt anyone's feelings, and I should like to use most parliamentary language, but I have come to the firm conclusion that in this Assembly there are not more than sixty Representatives who really believe in the need for a united Europe. Of course, everyone proclaims that he is a good European, and only yesterday Mr. Gordon Walker, with a certain amount of vexation, again said so, in reply to a speech by M. Paul Reynaud. Let me, however, at once say to him: 'I am convinced of your complete sincerity, my friend, but what I am equally convinced of is that when you say "I am a good European", you, evidently, do not mean the same thing as I do when I say it. We just look at things in quite different ways. If it were not somewhat presumptuous on my part to do so, I should even say that our present respective points of view in looking at history are not the same.'

It is my impression—I may be exaggerating slightly, but not very much—that a number of our colleagues are wondering whether what we are doing serves any very useful purpose. And I, personally, wonder whether they do not really think: 'is it of any great interest?'

Now there, you see, is just where our points of view completely differ. Whereas some of us are scarcely concerned at all whether the work done

¹ Council of Europe: Consultative Assembly, Third Session (Second Part), Official Report, vol. 4, pp. 1108-12.

here is necessary or useful, others among us consider what we set about doing as something vital and urgently necessary.

I admire those who can remain calm in the face of the present state of Europe. One could be terribly blunt about that if we were not obliged to be so parliamentary. Nevertheless, just cast your minds back for a moment over recent years and ask yourselves what Europe was like only a matter of fifty years ago. I do not ask you to go back to the days of its former splendour. How can those who, whether they come from Rome, Athens, Paris or London, remember what their countries were like and what their capitals stood for in the world and compare it with the state we are all in to-day, possibly remain so calm and collected in the face of events?

The Europe we are speaking of here is a Europe which we have, in the first place, allowed to be rent asunder. Poland, Czechoslovakia, Hungary, the Balkan States and Eastern Germany no longer exist. The Europe we are discussing here is a Europe against which both Asia and Africa are to-day in revolt, and the greatest and most powerful among us, even to-day, is being defied in Iran and Egypt. The Europe we are speaking of to-day is one that for five years has been living in fear of the Russians and on the charity of the Americans.

In the face of all this we remain impassive, as if history were standing still and as if we had decades at our disposal quietly to change our whole outlook, do away with customs barriers, abandon selfish nationalistic view-points, as if we had all Eternity before us.

There, Ladies and Gentlemen, you have the substance of the conflicting views obtaining in this Assembly. We believe that, if we wish to save this old Continent of ours, including Great Britain as well as the other countries, it is absolutely essential that we should set about creating a united Europe. Many of you give us the impression that you are not giving any thought to this matter. Mr. Gordon Walker has stated: 'I am a good European and I assure you that I wish to cooperate with you.' But what has he repeatedly told us during this past fortnight? He has said this: 'Well, let us go to work together, let us support Governmental agreements and let us try to increase their number and make them better!'

Now that may be one way of achieving a united Europe, although I do not myself very clearly see what it means. Do you, however, really believe that in order to support Governmental agreements it was necessary to build this House of Europe and convene twice a year two hundred European Members of Parliament? Do you not think that our respective Governments are quite capable of looking after governmental agreements without our help? When you speak of the most interesting governmental agreements which have been concluded in recent years, you mention O.E.E.C. and E.P.U., in which our Assembly had no part whatsoever.

If, in effect, this is going to represent all the cooperation to be expected from some people towards establishing a united Europe, then, quite frankly, I feel it would be better to do away with all this machinery than to lull people into believing that something important is being accomplished—all those people who, when after each Session they take stock of the progress we have made in our work, are bound to become more and more disillusioned.

During this past fortnight we have let slip every opportunity afforded to us. In the first place, we have failed to profit in a courageous manner from the frank and categorical statements made to us by all the British delegates. Of course, we must again point out to them—and I apologise for doing so—that we came here with a certain amount of hope. We thought that the political change which had taken place in Britain would provide us with a new opportunity of closer cooperation. We anxiously awaited what the Conservative Government representatives were going to tell us, and we also impatiently awaited what the Labour representatives, who had now become the Opposition, were going to confide to us.

You have never been—and I say this to your credit—more categorical and definite in your statements, in telling us that, while fully appreciating what a united Europe meant to us, you would never follow us along this road or along these lines!

I say this not without a certain amount of disappointment and bitterness, but in no way in a vindictive spirit. Those statements that we were waiting for, on which we had counted and in which we had placed some of our hopes did not come to pass; we ought then to have been courageous enough to face up to the blunt fact confronting us.

Gentlemen, beware. We Continental Europeans have said a number of times that we did not understand everything the British told us about the Commonwealth and its difficulties, but sometimes—and here let me speak to you quite frankly—we had the feeling that these difficulties which you explained to us badly and invoked unceasingly constituted some kind of pretext rather than any valid reason. We had the feeling that we could not reckon on your cooperation on account of the Commonwealth. But be very careful! Some time hence, public opinion will say that Continental Europeans are using the absence of Britain as an excuse not to create a United Europe. We shall then lose, in the eyes of those who had placed so much hope in the European idea and of those whose only hope it perhaps is at the present time, our entire good name and forfeit all the confidence they may have had in us.

From the very beginning of this session my mind was made up and my attitude clear and unequivocal. I do not say: establish a united Europe, taking your line from Britain—since we should not really be establishing a united Europe by basing ourselves at the present time on a Conservative

or a Labour Britain; on the contrary, we should be giving up the idea—but I do say that we should courageously face up to the facts as they are and take a risk.

Ladies and Gentlemen, I shall not go as far as to say that none is more conscious than I of the risks we are running at the present time in trying to establish a united continental Europe. Why 'none more than I?' I assume that all who are desirous of setting up a united continental Europe are fully cognisant of the risks of such a policy. But what policy of any importance does not include some kind of risk? Our whole life is nothing but a constant process of choosing between one risk and another, and those who have never risked anything in their lives or in their policy have never achieved anything outstanding.

Instead of taking up a courageous attitude in the face of the new British position, we have tried to find formulas expressing unanimity, which are merely formulas testifying to our weakness. During the past few days further misunderstandings have arisen concerning serious problems, which have enabled some members to imagine that the British 'no' was not entirely unqualified and that by waiting a little longer and remaining inactive and passive we might eventually see them join us.

And then yesterday we let slip the opportunity of our lives, the opportunity of the life of our European Assembly. Yesterday's Sitting was indeed an historic one, and what makes me so sad is that it was only historic up to the time the Ministers ceased speaking. When it was our turn to speak I saw nothing more whatsoever that bore an historic stamp.

We saw Ministers who came to address us and who for the first time came not only to explain their policy but to seek our support and encouragement. It was indeed an historic event for four Ministers of four European countries to come here and tell us: 'we are in favour of a united Europe and are prepared to try to achieve it because we are impelled towards it by a number of facts, on which I shall not dwell, by a kind of fatality and logic of history. We are prepared to fight, if need be, to establish a political authority in the sphere of defence and foreign affairs.' We are fully conscious of the stirring nature of their speeches. What they came to tell us, in effect, was: 'we are up against difficulties in our respective countries and we have to overcome obstacles and break down all manner of old prejudices and ancient traditions. What we ask is that you, the Representatives of Europe, should give us a message to assist and strengthen us in our task.'

And what was our reply? We gave none at all! We drew up and adopted a Motion whose Rapporteur, in order to re-assure certain members of the Assembly and achieve a miserable majority, did not even dare to state that it aimed at creating a real international political authority. He allowed doubt to continue to subsist and even so, despite this, a large

number of Representatives voted against the Motion. We referred the four Ministers who had come here to ask us to help them back to a Committee of Ministers whose decisions have to be unanimous; we therefore know that it will not be able to assist them.

What should we have done? At that historic moment we ought to have gone beyond the Committee of Ministers of the Council of Europe, and, addressing ourselves to the four Ministers or to the six countries which are prepared to found a European Coal and Steel Community, have told them: 'we are now going to set to work without delay to explain to you how we suggest that this European Community should be operated.'

We were unable to do this since we knew that if we took up that attitude, not a single motion would have obtained a two-thirds majority. We were again obliged to adopt another of those compromises which under present circumstances are of no interest at all.

I wonder whether you realise how—if I may say so—ridiculous it is to ask the Committee of Ministers, comprising twelve Ministers with whom we are familiar and whose views we know, to organise conferences for the purpose of setting up international political Authorities, whereas almost half of those Ministers have already stated quite formally that they are not in favour of this, and when it is borne in mind that each of them possesses, within the Committee of Ministers, a right of veto. If that is all we are capable of doing, then I truly believe that we are at the end of our tether and I do not consider that I am being too pessimistic in saying so.

You see, I have the impression that we are dying of our own discretion. And how much discretion there is in this Assembly! How very reasonable people can be! How careful they are in their speeches! How clever they are at all matters of procedure and how much talent they display in discussing a word or a comma! Ladies and Gentlemen, it is frightful—your moderation is nothing short of suicidal.

I remember one day reading in Bernard Shaw's Joan of Arc a witticism I have never forgotten and which, alas! I am obliged to make use of from time to time. This is the occasion. Joan of Arc appears before Charles VII—and this is not intended to represent any historical analogy. France is occupied by the English, and Charles VII has taken refuge at Bourges; he has become the little king of Bourges, and no one trusts him any longer. Then Joan appears, with nothing but her faith and her hope. She speaks. Everybody makes fun of her, including the generals, the bishops and the lawyers, until a youth who is to be her companion in battle and, let us not forget, in victory as well, says, while everyone around her keeps on repeating that she is out of her mind, that she is mad: 'we want a few mad people now. See where the sane ones have landed us!'

Well, from time to time one feels in this Assembly as if one would like to be a little mad, to cast one's discretion and reason aside, to believe that,

in order to build great things in this world, a little hope, a little confidence and a little faith achieve more than all the discretion of formal routine

procedure....

To-day, whether we like it or not, interest in the cause of a united Europe no longer lies, I am sorry to say, within this Assembly. Those who wish to continue along the road we have followed in the past few years now realize that the prospects here have become almost hopeless, that we must look beyond these walls and that it is again by having recourse to propaganda and by rousing public opinion, showing it what the real position is and how it can save itself if it wishes to avoid disaster, that the real solution to the problem will be found.

It is because I have had this profound, and, believe me, bitter feeling during the past two weeks that I wished to resume my complete freedom and to take once more my place amongst the true protagonists of a united Europe in order to say to them: 'let us make haste, for we are losing ground. We can no longer do to-day what we could have done a year or two ago, for people are beginning to make fun of us and are speaking of our inability to achieve anything. There is not a moment to lose if we are to save ourselves.'

(iv) Revised draft Statute of the Council of Europe, adopted by the Consultative Assembly, 11 December 1951¹

PREAMBLE

The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the German Federal Republic, the Kingdom of Greece, the Republic of Iceland, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Saar, the Kingdom of Sweden, the Republic of Turkey, and the United Kingdom of Great Britain and Northern Ireland;

Convinced that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation;

Reaffirming their devotion to the spiritual and moral values which are the common heritage of their peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy;

Believing that, for the maintenance and further realisation of these ideals and in the interests of economic and social progress, there is need of a closer unity between all like-minded countries of Europe;

Considering that, to respond to this need and to the expressed aspirations

¹ Great Britain: Foreign Office: Report on the Proceedings of the Third Session of the Consultative Assembly of the Council of Europe, Strasbourg 5th/15th May, 1951, 26th November/11th December, 1951 (Cmd. 8469) (London, H.M.S.O., 1952), pp. 41-51. Additions to the Statute in force are printed in italics.

of their peoples in this regard, it is necessary forthwith to create an organisation which will bring European States into closer association;

Recognising that an increasing number of matters of common concern have developed from the phase of consultation and agreement to the stage of control and administration through duly constituted authorities of an organised Europe;

Have in consequence decided to set up a Council of Europe consisting of a Committee of representatives of Governments and an Assembly, and have for this purpose adopted the following Statute:—

CHAPTER I.—AIM OF THE COUNCIL OF EUROPE

ARTICLE I

- (a) The aim of the Council of Europe is to achieve a closer union between its Members for the purpose of safeguarding and realising the ideals and principles which are their common heritage, facilitating their economic and social progress, strengthening their security and uniting their efforts for the consolidation of peace.
- (b) This aim shall be pursued through the organs of the Council by discussion of questions of common concern, and by agreements and common action and Convention-making in accordance with the Statute in political, economic, social, cultural, scientific, legal and administrative matters, and in the maintenance and further realisation of human rights and fundamental freedoms.
- (c) Participation in the Council of Europe shall not affect the collaboration of its Members in the work of the United Nations and of other international organisations or unions to which they are parties.
- (d) The Council of Europe shall control and direct such organisations as shall be merged with the Council of Europe under the provisions of the First Protocol appended to this Statute.

CHAPTER II.—MEMBERSHIP

ARTICLE 2

The Members of the Council of Europe are the Parties to this Statute.

ARTICLE 3

Every Member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council as specified in Chapter I.

ARTICLE 4

Any European State, which is deemed to be able and willing to fulfil the provisions of Article 3, may, with the approval of the Assembly, such approval to

be by a simple majority, be invited to become a Member of the Council of Europe by the Committee of Ministers. Any State so invited shall become a Member on the deposit on its behalf with the Secretary-General of an instrument of accession to the present Statute.

ARTICLE 5

- (a) In special circumstances, a European country, which is deemed to be able and willing to fulfil the provisions of Article 3, may, with the approval of the Assembly, such approval to be by a simple majority, be invited by the Committee of Ministers to become an Associate Member of the Council of Europe. Any country so invited shall become an Associate Member on the deposit on its behalf with the Secretary-General of an instrument accepting the present Statute. An Associate Member shall be entitled to be represented in the Assembly only.
- (b) The expression 'Member' in this Statute includes an Associate Member except when used in connexion with representation on the Committee of Ministers.

ARTICLE 6

Before issuing invitations under Articles 4 or 5 above, the Committee of Ministers shall, with the approval of the Assembly, such approval to be by a simple majority, determine the number of Representatives to the Assembly to which the proposed Member shall be entitled.

ARTICLE 7

Any Member of the Council of Europe may withdraw by formally notifying the Secretary-General of its intention to do so. Such withdrawal shall take effect at the end of the financial year in which it is notified, if the notification is given during the first nine months of that financial year. If the notification is given in the last three months of the financial year, it shall take effect at the end of the next financial year.

ARTICLE 8

Any Member of the Council of Europe which has seriously violated Article 3 may be suspended from its rights of representation and requested by the Committee of Ministers to withdraw under Article 7. If such Member does not comply with this request, the Committee may decide that it has ceased to be a Member of the Council as from such date as the Committee may determine.

ARTICLE 9

The Committee of Ministers may suspend the right of representation on the Committee and on the Assembly of a Member which has failed to fulfil its financial obligation during such period as the obligation remains unfulfilled.

CHAPTER III.—GENERAL

ARTICLE 10

The organs of the Council of Europe are

- (i) The Committee of Ministers;
- (ii) The Assembly;
- (iii) The Joint Committee;
- (iv) Executive agencies.

These organs shall be served by the Secretariat-General of the Council of Europe.

ARTICLE 11

The Seat of the Council of Europe is at Strasbourg.

ARTICLE 12

The official languages of the Council of Europe are English and French. The rules of procedure of the Committee of Ministers and of the Assembly shall determine in what circumstances and under what conditions other languages may be used.

CHAPTER IV.—COMMITTEE OF MINISTERS ARTICLE 13

Each Member shall be entitled to one vote in the Committee of Ministers. The representatives on the Committee shall be the Ministers for Foreign Affairs and the Minister for European Affairs referred to in Article 14. When neither of these Ministers is able to be present, or in other circumstances where it may be desirable, an alternate may be nominated who shall, whenever possible, be a Member of his Government.

ARTICLE 14

Every Member of the Council of Europe shall nominate a Minister, Secretary or Under-Secretary of State, who, without prejudice to the responsibility of the Minister for Foreign Affairs, shall co-ordinate all matters relating to the Council of Europe.

ARTICLE 15

(a) On the recommendation of the Assembly, or on its own initiative, the Committee of Ministers shall consider the action required to further the aim of the Council of Europe, including the conclusion of Conventions or agreements and the adoption by Governments of a common policy with

regard to particular matters. Its conclusions shall be communicated to

Members by the Secretary-General.

(b) In appropriate cases, the conclusions of the Committee may take the form of recommendations to the Governments of Members, and the Committee may request the Governments of Members to inform it of the action taken by them with regard to such recommendations.

ARTICLE 16

The Committee of Ministers shall, subject to the provisions of this Statute, decide with binding effect all matters relating to the internal organisation and arrangements of the Council of Europe. For this purpose the Committee of Ministers shall adopt such financial and administrative regulations as may be necessary.

ARTICLE 17

The Committee of Ministers may set up advisory and technical committees or commissions for such specific purposes as it may deem desirable.

ARTICLE 18

The Committee of Ministers shall adopt its rules of procedure which shall determine amongst other things—

- (i) the quorum;
- (ii) the method of appointment and term of office of its Chairman;
- (iii) the procedure for the admission of items to its Agenda, including the giving of notice of proposals for resolutions; and
- (iv) the notification required for the nomination of alternates under Article 13.

ARTICLE 19

At each Session of the Assembly the Committee of Ministers shall furnish the Assembly with a statement of its activities, accompanied by appropriate documentation.

ARTICLE 20

- (a) Resolutions of the Committee of Ministers relating to the following important matters, namely—
 - (i) Recommendations for the amendment of Articles 7, 15, 20, 22, 42 to 46 and 57.
 - (ii) Questions under Articles 21 (a) (i) and (b), and
 - (iii) Approval of a Convention under Article 42 (b).

require the unanimous vote of the Members casting a vote, and of a majority of the Members entitled to sit on the Committee.

- (b) Questions arising under the rules of procedure or under the financial and administrative regulations may be decided by a simple majority vote of the Members entitled to sit on the Committee.
- (c) Resolutions of the Committee under Articles 4 and 5 require a twothirds majority of all the Members entitled to sit on the Committee.
- (d) All other Resolutions of the Committee require a two-thirds majority of the representatives casting a vote and a majority of the Members entitled to sit on the Committee.

- (a) Unless the Committee decides otherwise, meetings of the Committee of Ministers shall be held—
 - (i) in private;
 - (ii) at the Seat of the Council.
- (b) The Committee shall determine what information shall be published regarding the conclusions and the discussion of a meeting held in private. Notwithstanding the provisions of this paragraph each Member of the Committee of Ministers shall be entitled to make known his attitude in the Committee concerning any draft Convention transmitted to the Committee of Ministers by the Assembly.
- (c) The Committee shall meet before each Session of the Assembly and at such other times as it may decide.

CHAPTER V.—THE ASSEMBLY

ARTICLE 22

- (a) The Assembly is the deliberative organ of the Council of Europe. It may deliberate upon all matters included in the aims of the Council of Europe as set out in this Statute. The Assembly shall determine its own Agenda.
- (b) The Assembly may pass Motions, make Recommendations, draft Conventions, and give opinions upon any matter within its aim and scope, as defined by this Statute.
- (c) The President of the Assembly shall decide, in case of doubt, whether any question raised in the course of the Session is within the Agenda of the Assembly.

ARTICLE 23

The Assembly may establish Committees or Commissions to consider and report to it on any matter which falls within its competence under this Statute.

ARTICLE 24

(a) Representatives to the Assembly shall be elected by their respective Parliaments or according to a procedure fixed by the latter. When the Parliament is not in session and has not laid down the procedure to be followed in that case, each Member Government may make such additional appointments as are necessary.

- (b) Each Representative must be a national of the Member whom he represents.
- (c) No Representative shall be deprived of his position as such during a Session of the Assembly without the agreement of the Assembly.
- (d) Each Representative may have a Substitute, who may in the absence of the Representative sit, speak and vote in his place. The provisions of this Article shall apply to the appointment of Substitutes.

(a) Members are entitled to the number of Representatives given below:—

Belgium	•••		7	Netherlands		•••	7
Denmark	•••	•••	5	Norway	•••	•••	5
France	•••		18	Saar	•••	•••	3
Germany	•••	•••	18	Sweden	•••		6
Greece	•••	•••	7	Turkey	•••	•••	10
Iceland	•••	•••	3	United Kingdom	of	Great	
Ireland	• • •	•••	4	Britain and	No	orthern	
Italy	• • •	•••	18	Ireland	•••		18
Luxembourg	•••	•••	3				

(b) Any modification of the provisions of paragraph (a) above shall be made by a two-thirds majority of the Committee of Ministers and a simple majority of the Assembly.

ARTICLE 26

The Assembly shall adopt its rules of procedure which shall determine inter alia—

- (i) the quorum;
- (ii) the manner of the election of the President and other officers;
- (iii) the manner in which the Agenda shall be drawn up and be communicated to Representatives; and
- (iv) the time and manner in which the names of Representatives and their Substitutes shall be notified;
- (v) the manner of election and term of office of the Standing Committee.

ARTICLE 27

- (a) The Assembly shall elect a President and its Vice-Presidents, who shall remain in office from the beginning of the First Session in any year until the beginning of the First Session in the succeeding year.
- (b) The President of the Assembly shall at the same time be the Chairman of the Standing Committee of the Assembly.
 - (c) When the President is controlling the proceedings of the Assembly, he shall

not take part in the Debate and vote, but the Substitute of the President may sit, speak and vote in his place.

ARTICLE 28

The Standing Committee is the organ of the Assembly entrusted with the task of ensuring between Sessions the continuity of action of the Assembly.

ARTICLE 29

- (a) The Assembly shall meet in ordinary Session twice a year, the dates and duration of which Sessions shall be determined by the Assembly so as to avoid as far as possible overlapping with parliamentary sessions of Members and with sessions of the General Assembly of the United Nations.
- (b) The Assembly may be convened in extraordinary Sessions upon the initiative either of the Committee of Ministers or of the President of the Assembly after agreement between them, such agreement also to determine the date and place of the Sessions.

ARTICLE 30

Subject to the provisions of Articles 42 (d), 46, 51 and 57, all Resolutions and Recommendations of the Assembly shall require a simple majority of the Representatives casting a vote.

ARTICLE 31

Unless the Assembly decides otherwise, its debates shall be conducted in public.

ARTICLE 32

Ordinary Sessions of the Assembly shall be held at the Seat of the Council unless both the Assembly and the Committee of Ministers concur that it should be held elsewhere.

CHAPTER VI.—CONSULTATION

ARTICLE 33

- (a) Members shall consult with one another on matters of common concern which fall within the competence of the Council of Europe, should they consider them to be of a character to influence the achievement of the aims of the Council of Europe. Such consultation shall take place at each meeting of the Committee of Ministers.
- (b) (i) Any initiative taken or draft Agreement made by any Member with other Members and falling within the competence of the Council of Europe shall be transmitted to the Committee of Ministers, should the Member in question consider it to be of a character to influence the achievement of the aims of the Council of Europe.

The Assembly may be asked to give an opinion within a fixed time-limit at the

request of the Member concerned. In such a case the Committee of Ministers shall transmit the text concerned to the Assembly.

(ii) The text of any Treaty between two or more Members, whose object they shall deem to fall within the competence of the Council of Europe, shall be transmitted for opinion to the Committee of Ministers and the Assembly prior to ratification.

The signatory States may, by common agreement, ask that the opinion of the Committee of Ministers or of the Assembly be formulated within a stated time-limit.

(iii) Where the communication referred to in sub-paragraph (i) and (ii) shall not already have been effected, any Member not a party to such initiatives or treaties may request that it be transmitted to the Committee of Ministers, for information only.

ARTICLE 34

Every Treaty and International Agreement concluded by one or more Members on subjects within the competence of the Council of Europe shall be registered with the Secretariat-General and published under its authority.

ARTICLE 35

(a) The Council of Europe may consult any intergovernmental organisation, establish organised links with any of them, and conclude agreements defining the terms upon which such organisations shall be brought into relationship with the Council of Europe.

Such agreements must be approved both by the Assembly and by the Committee of Ministers.

(b) The Committee of Ministers and the Assembly may make suitable arrangements for consultation with international non-governmental organisations which deal with matters that are within the competence of the Council of Europe.

CHAPTER VII.—Specialised Authorities

ARTICLE 36

The creation within the framework of the Council of Europe of institutions upon which the participating States confer definite powers within a clearly specified field is recognised as being in accordance with the spirit and purpose of this Statute, even if all Members are not parties thereto. Any such institution shall be called a Specialised Authority.

ARTICLE 37

The initiative for setting up any such Specialised Authority may be taken either by the Council of Europe or by one or more Members.

ARTICLE 38

(a) If under the provisions of Article 36 one or more Members initiate negotiations for the creation of a Specialised Authority, these negotiations shall be open to all Members of the Council of Europe.

- (b) The object, functions and general principles of any such Specialised Authority shall be communicated to the Committee of Ministers with the object of associating the Council of Europe as a whole in its establishment, and subsequently of integrating within the Council of Europe its organs of administration and control.
- (c) No limitations shall be placed on the right of any Member not originally a member of such a Specialised Authority subsequently to accede thereto.

Each Specialised Authority shall submit regular reports on its activities to the Council of Europe.

The Council of Europe shall transmit its comments on such reports to the Specialised Authorities.

ARTICLE 40

Each Specialised Authority shall make available facilities for the exchange of information, documents and statistical data with the Council of Europe.

ARTICLE 41

The Council of Europe shall co-ordinate the work of the Specialised Authorities brought into relationship with the Council of Europe, in accordance with the foregoing provisions, by holding joint discussions and by submitting recommendations to them, as well as by forwarding recommendations to Member Governments.

The Specialised Authority shall inform the Council of Europe of action taken in respect of such recommendations.

CHAPTER VIII.—CONVENTION MAKING

ARTICLE 42

- (a) A Convention of the Council of Europe shall be made when approved by the Committee of Ministers and the Assembly in accordance with the provisions of this Statute.
- (b) In the case of the Committee of Ministers, a Convention shall be approved only by the unanimous vote of the Members of the Committee casting a vote and of a majority of the Members entitled to sit on the Committee.
- (c) If the Committee, by the unanimous vote of the representatives casting a vote and of a majority of the representatives entitled to sit on the Committee, decides that abstention from participation in any proposal before it shall be permitted, that proposal shall be put to the Committee; it shall be considered as adopted only by the Representatives who then vote in favour of it and its effects shall be limited accordingly.
- (d) In the case of the Assembly a Convention shall not be approved except by a vote of not less than two-thirds of the Representatives casting a vote.
- (e) A draft Convention of the Council of Europe may originate in either the Committee of Ministers or the Assembly.

- (a) A draft Convention originating in either the Assembly or the Committee of Ministers, and approved by either one of these two organs, shall be transmitted to the other, which may either approve it in accordance with the terms of the present Statute in its original form or with amendments, or withhold approval thereof.
- (b) If such draft Convention is approved by the Committee of Ministers or the Assembly, in the form in which it was transmitted by the other organ, it shall thereupon become a Convention of the Council of Europe.
- (c) Should the Committee of Ministers or the Assembly decide to approve the draft Convention in an amended form, the Convention shall be referred to the Joint Committee which shall draw up amendments. These amendments shall be transmitted to the Committee of Ministers and the Assembly for final approval.

ARTICLE 44

Conventions approved by the Council of Europe shall be drawn up in one original copy only, which shall be signed by the Chairman of the Committee of Ministers, by the President of the Assembly and by the Secretary-General. A duly authenticated copy shall be communicated by the Secretary-General to the Governments of the different Members.

ARTICLE 45

- (a) All Conventions of the Council of Europe shall be subject to ratification. Nevertheless, such ratification may be deemed to have taken place by tacit consent after the expiry of a period of one year, provided that this procedure shall have been expressly provided for in the Convention concerned by the unanimous agreement of the Committee of Ministers.
- (b) In cases where the constitutional procedure of certain States requires that the ratification of a Convention be preceded by parliamentary approval, such approval shall be sought by the Governments within a period of six months following the adoption of the Convention.

ARTICLE 46

In the absence of provision to the contrary, a Convention of the Council of Europe may not be denounced unilaterally, and its repeal may take place only with the consent of a two-thirds majority of the Assembly and of the Committee of Ministers.

CHAPTER IX.—THE JOINT COMMITTEE

ARTICLE 47

The Joint Committee is the organ of co-ordination of the Council of Europe. Without prejudice to the respective rights of the Committee of Ministers or of the Assembly, the functions of the Joint Committee shall be, in particular:—

- (i) To examine the problems which are common to the Committee of Ministers and to the Assembly;
- (ii) To draw the attention of those two organs to those questions which appear to be of particular interest to the Council of Europe;
- (iii) To make proposals for the draft Agenda of the Sessions of the Committee of Ministers and of the Assembly;
- (iv) To examine and promote means of giving practical effects to the Recommendations adopted by one or other of those two organs;
- (v) To draw up amendments to draft Conventions in accordance with the provisions of Article 43 (c) of the Statute.

- (a) The Joint Committee shall be composed of fourteen members, seven of whom shall be appointed by the Committee of Ministers, and seven of whom shall be appointed by the Standing Committee of the Assembly.
- (b) The Secretary-General shall be entitled to attend the meetings of the Joint Committee in an advisory capacity.

ARTICLE 49

- (a) The conclusions of the Joint Committee shall be reached without voting.
- (b) The Joint Committee shall adopt its Rules of Procedure which shall, in particular, fix the quorum, the method of nominating its Chairman and the conditions in which it shall be convened.

CHAPTER X.—EXECUTIVE AGENCIES

ARTICLE 50

- (a) High Commissioners may assume responsibility for the following executive tasks:—
 - (i) Those entrusted to the Council of Europe under the provisions of the present Statute and, particularly, of the First Protocol thereto;
 - (ii) Those which may be entrusted to the Council of Europe under the provisions of future Conventions.
- (b) Furthermore, particular powers and functions may be vested in High Commissioners under Conventions concluded between two or more Members of the Council of Europe. The decisions taken in accordance with such Conventions shall be binding only upon such Members as are party to the said Conventions.

ARTICLE 51

- (a) The High Commissioners shall be appointed by the Committee of Ministers.
- (b) In the event of the powers they are required to exercise being confined solely to those specified in paragraph (b) of Article 50, their appointment shall be effected by the Committee of Ministers in the following manner:—

- (i) The Ministers representing the States party to the Convention(s) defining the functions and powers of the High Commissioner in question shall have the right to vote.
- (ii) The Ministers representing the States not party to the Convention(s) shall attend in an advisory capacity.
- (c) The High Commissioners shall be individually responsible to the Committee of Ministers. The nature of their responsibility shall be contingent upon the conditions fixed for their appointment.
- (d) The High Commissioners shall report upon their activities to the Assembly at each of the latter's sessions.

Should their report give rise to a Debate, all the representatives may participate in the Debate.

Should their report give rise to the voting of a Resolution or Recommendation, and should this Resolution or Recommendation relate to the exercise of the functions specified in paragraph (b) of Article 50, only the representatives of the States party to the Conventions defining these functions shall be entitled to vote.

CHAPTER XI.—THE SECRETARIAT

ARTICLE 52

- (a) The Secretariat shall consist of a Secretary-General, and such Deputy Secretaries-General and other staff as may be required.
- (b) The Secretary-General and Deputy Secretaries-General shall be appointed by the Assembly on the recommendation of the Committee of Ministers.
- (c) The remaining staff of the Secretariat shall be appointed by the Secretary-General, in accordance with the administrative regulations.
- (d) No member of the Secretariat shall hold any salaried office from any Government or be a member of the Assembly or of any national legislature or engage in any occupation incompatible with his duties.
- (e) Every member of the staff of the Secretariat shall make a solemn declaration affirming his duty to the Council of Europe and that he will perform his duties conscientiously, uninfluenced by any national considerations, and that he will not seek or receive instructions in connexion with the performance of his duties from any Government or any authority external to the Council and will refrain from any action which might reflect on his position as a European civil servant responsible only to the Council. In the case of the Secretary-General and the Deputy Secretaries-General this declaration shall be made before the Committee of Ministers and the Assembly, and in the case of all other members of the staff, before the Secretary-General.
- (f) Every Member shall respect the exclusively supra-national character of the responsibilities of the Secretary-General and the staff of the

Secretariat, and not seek to influence them in the discharge of their responsibilities.

ARTICLE 53

- (a) The Secretariat shall be located at the Seat of the Council.
- (b) The Secretary-General is responsible to the Committee of Ministers and to the Assembly for the work of the Secretariat. He shall provide both bodies with such Secretariat and other assistance as they may require.

CHAPTER XII.—FINANCE

ARTICLE 54

- (a) The expenses of the Committee of Ministers, the Assembly, the Committees and Sub-Committees of both bodies, the Standing Committee, the Joint Committee, such Executive Agencies as may be set up under the Statute, the Secretariat-General, and all other common expenses, shall be shared between all Members in such proportion as shall be determined by the Committee of Ministers on the basis of the population of Members.
- (b) The Assembly shall have a special Budget which shall be submitted annually by the President of the Assembly to the Committee of Ministers. In case of any disagreement, the matter shall be laid before the Joint Committee. The Committee of Ministers shall be responsible for taking the final decision.
- (c) The Secretary-General shall, after obtaining the opinion of the Joint Committee, submit each year the general Budget of the Council of Europe, including all other expenditure for approval by the Committee of Ministers, in accordance with the conditions laid down in the Financial Regulations.

ARTICLE 55

- (a) The Secretary-General shall each year notify the Government of each Member of the amount of its contribution. Each Member shall pay to the Secretary-General the amount of its contribution, which shall be deemed to be due on the date of its notification, not later than six months after that date.
- (b) The Secretary-General shall be responsible for defraying the expenses of the Council of Europe, as enumerated in Article 59 (a) of this Statute.

CHAPTER XIII.—PRIVILEGES AND IMMUNITIES

ARTICLE 56

The Council of Europe, members of the Committee of Ministers and Representatives to the Assembly, and members of the Secretariat-General shall enjoy in the territories of Members such privileges and immunities as are necessary for the fulfilment of their functions. These immunities shall include immunity for all Representatives to the Assembly from arrest

and all legal proceedings in the territories of all Members in respect of words spoken and votes cast in the Debates of the Assembly or its Committees.

CHAPTER XIV.—AMENDMENTS

ARTICLE 57

- (a) Proposals for the amendment of this Statute may be made in the Committee of Ministers or in the Assembly.
- (b) Subject to the provisions of Articles 20 and 25, such amendments shall require, both in the Committee of Ministers and in the Assembly, a two-thirds majority of the representatives entitled to sit in the Committee and in the Assembly respectively.
- (c) The Committee of Ministers shall cause to be embodied in a Protocol those amendments which have fulfilled the provisions of paragraph (b) of this Article.
- (d) An amending Protocol shall come into force when it has been signed and ratified on behalf of two-thirds of the Members.
 - (e) Notwithstanding the provisions of the preceding paragraph of this Article—
 - (i) No amendment to Articles 7, 20, 21, 22 and 42-46 shall be considered until the expiry of the second Ordinary Session of the Assembly following the entry into force of this Statute;
 - (ii) Amendments to Articles 23-32, 47-49, 54 and 55 which have been approved by the Committee of Ministers and by the Assembly in accordance with the provisions of paragraph (b) of this Article shall come into force on the date of the certificate of the Secretary-General, transmitted to the Governments of Members, certifying that they have been so approved.

FIRST PROTOCOL RELATING TO THE FUSION OF CERTAIN EUROPEAN ORGANISATIONS WITH THE COUNCIL OF EUROPE

ARTICLE I

The Members of the Council of Europe signatory to the Convention for European Economic Co-operation¹ undertake to enter into negotiations with the other signatory States in order to draw up provisions whereby the organisations created by virtue of the said Convention shall be merged with the Council of Europe.

ARTICLE 2

The Members of the Council of Europe signatory to the Brussels Treaty undertake to take the necessary measures, in agreement with the other

1 Documents (R.I.I.A.) for 1947-8, pp. 178-94.

Members, whereby the social and cultural organisations created under the Brussels Treaty shall be merged with the Council of Europe.

ARTICLE 3

The Members of the Council of Europe who are parties to the European Customs Union Study Group undertake to take the necessary measures, in agreement with the other Members, whereby the said Study Group shall be merged with the Council of Europe.

SECOND PROTOCOL RELATING TO SPECIALISED AUTHORITIES

ARTICLE I

In cases where the organs of a Specialised Authority include an Assembly, the Council of Europe should recommend—

- (a) that the members of such Assemblies be selected wherever possible from Representatives to the Council of Europe; and
- (b) that such Assemblies shall hold their meetings at the Seat of the Council of Europe.

ARTICLE 2

The Secretariat-General may be called upon to provide the administrative staff of the Specialised Authorities.

3. Economic Co-operation: Raw Materials and the Schuman Plan

(i) THE CONTROL OF STRATEGIC MATERIALS

(a) Statement by the Governments of France, the United Kingdom and the U.S.A. on proposed measures of co-operation for controlling strategic materials, 12 January 1951¹

In recent weeks representatives of the Governments of the United States, the United Kingdom, and France have given consideration to ways and means of bringing about cooperation among the countries of the free world to increase the production and availability of materials in short supply and to assure their most effective use.

Work in the field of materials has been going forward for several months in the Organization for European Economic Cooperation (OEEC) and, more recently, in the North Atlantic Treaty Organization (NATO) and the Organization of American States (OAS). The OEEC in particular has made valuable studies of the growing problems of scarce materials

Department of State Bulletin, 22 January 1951, pp. 149-50.

and has recommended the calling of appropriate international conferences to deal with them.

The events of the last few weeks have made these problems of even greater urgency. They have also made it clear that commodity problems cannot be dealt with on a regional basis but must take account of the needs and interests of the whole of the free world. Continuing international machinery is needed through which all of the interested governments of the free world, whether or not they are members of the OEEC, NATO, or OAS organizations, can cooperate in the solution of commodity shortages which are world-wide in scope and effect.

Accordingly, the three Governments have agreed that proposals should be made to other interested governments for the creation of a number of standing international commodity groups, representing the governments of producing and consuming countries throughout the free world which have a substantial interest in the commodities concerned. These commodity groups would consider and recommend to governments the specific action which should be taken, in the case of each commodity, in order to expand production, increase availabilities, conserve supplies, and assure the most effective distribution and utilization of supplies among consuming countries.

Early action is called for with respect to certain commodities. The Government of the United States has therefore agreed to send invitations immediately to other interested friendly governments for the establishment of certain of the commodity groups referred to above. Others can be created as the needs of the free world require. Also, the three Governments will establish immediately in Washington a temporary central group to provide a servicing mechanism for the standing commodity groups. There will be early consultations with interested governments and appropriate international organizations with respect to the continuing functions and membership of the central group.

The new international arrangements on materials which are now proposed will, of course, be greatly assisted by the contributions in this field of the OEEC, the NATO, the OAS, and the several existing international commodity organizations.

(b) Statement issued by the International Materials Conference on the work of the Conference since February 1951 and on its future problems, 9 November 1951

It would seem appropriate at this time to have a recapitulation of the accomplishments of the International Materials Conference (IMC) since it first convened last February. Also, a general discourse on future problems facing the IMC may prove to be useful. With this in mind, the Secretariat has prepared the following brief:

¹ Department of State Bulletin, 26 November 1951, pp. 868-9.

Accomplishments

Within 7 months from the date of the establishment of the first committee, all of the committees had examined the supply position in the commodities with which they were concerned, and developed recommendations for meeting the most urgent problem of distribution of available supplies where shortages required such action. In the case of three committees, quarterly or emergency allocations were developed by the third quarter, whereas in two others, recommendations were made for allocations beginning with the fourth quarter. Effective for the fourth quarter, 1951, international allocation schemes had been recommended for sulphur, tungsten, molybdenum, copper, zinc, nickel, and cobalt. Emergency allocations had been made for newsprint.

This record, involving as it did the collection and analysis of the statistical data as well as exhaustive study and negotiations to develop plans that would be acceptable to the governments, is an achievement in itself. However, the record of the committees' accomplishments includes also important recommendations for increasing production, conservation, and end-use controls of many of the materials. One committee has made significant recommendations for stabilizing the price of one of its commodities, and is currently considering proposals for long-term contractual arrangements as a method of securing increased production.

An important part of the achievement of the IMC is the contribution which it has made to the security of the other Free World countries which are not members of the IMC committees, through hearing the cases of such countries and trying to make provision for their essential needs in the allocations plans. Without a mechanism for the consideration of the needs of such countries, there would be no assurance to them that they would receive equitable treatment in the competition for materials in short supply.

Although the major accomplishments thus far are in the commodities which are in short supply, the review of the commodities for which the supplies are less critical has been helpful in defining the problems involved and determining whether any action may be required. Such review, in itself, may have exerted a steadying influence on the market for some of the commodities concerned.

The allocation plans thus far developed have been adopted as interim measures without prejudice to future schemes of distribution. However, the important basic work which has been done in the first six months has provided experience in the organization and procedures for work which will go far toward making it possible to expedite the work of the committees in the future and to concentrate their attention on some of the longer-range problems of materials supply.

The recommendations of the committees for the adoption of conservation measures and end-use controls have resulted in actions by governments which should do much to conserve supplies. An increasing number of countries are adopting end-use control measures which are generally comparable to those in effect in the United States, the United Kingdom and France. The countries which are members of the Organization for European Economic Cooperation (OEEC) have adopted control measures for copper, and some of them have also adopted measures for zinc, nickel, cobalt, and sulphur. Other countries have initiated control measures in accordance with their needs. The types of measures and degree of controls vary among countries according to the requirements of their economies. It is clear, however, that the recommendations of IMC have played an important part in providing the stimulus to conservation. The work of the Joint Subcommittee of Experts on the Tungsten-Molybdenum and the Manganese-Nickel-Cobalt Committees on utilization will make an important contribution to the efforts of industry to conserve materials.

It is too early to secure an adequate measure of the effectiveness of the IMC committee allocation plans and recommendations. However, the existence of IMC, representing, as it does, an effort of countries of the Free World to solve supply problems internationally, has had some steadying effect upon the general raw-materials situation. Its work has tended to dispel some of the worst apprehensions by consuming countries. It has made it possible to reduce ruthless competition for supplies.

Future Problems

Although the committees have made recommendations for allocations where necessary for the fourth quarter, 1951, it is expected that similar action will be required for the first quarter and probably for succeeding quarters of 1952. Their next task, therefore, will be to develop recommendations for the distribution of available supplies in 1952.

In the development of the recommendations for the first quarter, 1952, it may be necessary to revise the bases on which previous allocations have been made, particularly if the reports on implementation of allocations show that the schemes which have been adopted so far require readjustment in order to assure fair treatment for all countries. Furthermore, the problem of distribution may be complicated by increasing shortages resulting from increased requirements for the defense program. This may introduce the task of screening requirements to meet essential military and civilian needs. Screening involves highly complicated and technical problems.

While looking ahead to the next quarter, the IMC also has responsibility for analyzing the experience with the schemes of allocation which have already been adopted, with a view to determining the obstacles which may prevent full implementation of the allocation. Difficulties in the implementation of the allocation may be due to interruptions in production, effects of long-term contracts, bilateral trade agreements, historical trade patterns, price disparities, and currency and financing difficulties. The committees will have to consider what action may be required to meet these obstacles and to recommend action where appropriate.

Additional attention to the problem of conservation and utilization of scarce materials will be required to effect the maximum savings possible.

In those commodities where there may be a long-range or chronic shortage of supplies, the committees will be concerned with developing recommendations for methods of increasing production.

Although most of the committees have not yet dealt with problems of prices, it is likely that the consideration of methods of increasing production and distributing available supplies will require that they give attention to such problems.

The consideration of long-range programs for increasing production will involve also consideration of the level of requirements necessary to strengthen the position of the Free World, the availability of resources, and the role of long-term contracts or other arrangements necessary to secure increased supplies. The IMC will need to examine the supply situation also in other commodities to determine whether they require international action.

The tasks ahead are many and difficult. However, important first steps have been taken. The IMC has many notable achievements to its credit, but the jobs which are left to be done are those which will determine how successful it can be in dealing with the basic materials problems of the Free World. With the continued cooperation and good faith of the participating countries, and operating on the basis of experience already gained, the prospects for ultimate success should be encouraging to all countries of the Free World.

(ii) Treaty setting up a European Coal and Steel Community, Paris, 18 April 1951

Le Président de la République Fédérale d'Allemagne, Son Altesse Royale le Prince Royal de Belgique, le Président de la République Française, le Président de la République Italienne, Son Altesse Royale la Grande Duchesse de Luxembourg, Sa Majesté la Reine des Pays-Bas,

France: Présidence du Conseil: Notes et Études Documentaires [hereaster reserred to as Documentation Française], no. 1489, 9 June 1951, pp. 5-25. For the exchange of notes between the French and German governments regarding the status of the Saar see below, p. 242.

Considérant que la paix mondiale ne peut être sauvegardée que par des efforts créateurs à la mesure des dangers qui la menacent;

Convaincus que la contribution qu'une Europe organisée et vivante peut apporter à la civilisation est indispensable au maintien de relations pacifiques;

Conscients que l'Europe ne se construira que par des réalisations concrètes créant d'abord une solidarité de fait, et par l'établissement de bases communes de développement économique;

Soucieux de concourir, par l'expansion de leurs productions fondamentales au relèvement du niveau de vie et au progrès des œuvres de paix;

Résolus à substituer aux rivalités séculaires une fusion de leurs intérêts essentiels, à fonder, par l'instauration d'une communauté économique, les premières assises d'une communauté plus large et plus profonde entre des peuples longtemps opposés par des divisions sanglantes, et à jeter les bases d'institutions capables d'orienter un destin désormais partagé;

Ont décidé de créer une Communauté Européenne du Charbon et de

l'Acier et ont désigné à cet effet, comme Plénipotentiaires:

Le Président de la République Fédérale d'Allemagne:

Monsieur le Docteur Konrad Adenauer, Chancelier et Ministre des Affaires étrangères;

Son Altesse Royale le Prince Royal de Belgique:

M. Paul Van Zeeland, Ministre des Affaires étrangères;

M. Joseph Meurice, Ministre du Commerce Extérieur;

Le Président de la République Française:

M. Robert Schuman, Ministre des Affaires étrangères;

Le Président de la République Italienne:

M. Carlo Sforza, Ministre des Affaires étrangères;

Son Altesse Royale la Grande-Duchesse de Luxembourg:

M. Joseph Bech, Ministre des Affaires étrangères;

Sa Majesté la Reine des Pays-Bas:

M. Dirk Udo Stikker, Ministre des Affaires étrangères;

M. R. M. VAN DEN BRINK, Ministre des Affaires Économiques;

Lesquels, après avoir échangé leurs pleins pouvoirs, reconnus en bonne et due forme, sont convenus des dispositions qui suivent:

TITRE PREMIER

De la Communauté Européenne du Charbon et de l'Acier

Article premier

Par le présent Traité les Hautes Parties Contractantes instituent entre Elles une COMMUNAUTÉ EUROPÉENNE DU CHARBON

ET DE L'ACIER, fondée sur un marché commun, des objectifs communs et des institutions communes.

Article 2

La Communauté Européenne du charbon et de l'acier a pour mission de contribuer, en harmonie avec l'économie générale des États membres et grâce à l'établissement d'un marché commun dans les conditions définies à l'article 4, à l'expansion économique, au développement de l'emploi et au relèvement du niveau de vie dans les États membres.

La Communauté doit réaliser l'établissement progressif de conditions assurant par elles-mêmes la répartition la plus rationnelle de la production au niveau de productivité le plus élevé, tout en sauvegardant la continuité de l'emploi et en évitant de provoquer, dans les économies des États membres, des troubles fondamentaux et persistants.

Article 3

Les institutions de la Communauté doivent, dans le cadre de leurs attributions respectives et dans l'intérêt commun:

- a) veiller à l'approvisionnement régulier du marché commun, en tenant compte des besoins des pays tiers;
- b) assurer à tous les utilisateurs du marché commun, placés dans des conditions comparables, un égal accès aux sources de production;
- c) veiller à l'établissement des prix les plus bas dans des conditions telles qu'ils n'entraînent aucun relèvement corrélatif des prix pratiqués par les mêmes entreprises dans d'autres transactions ni de l'ensemble des prix dans une autre période, tout en permettant les amortissements nécessaires et en ménageant aux capitaux engagés des possibilités normales de rémunération;
- d) veiller au maintien de conditions incitant les entreprises à développer et à améliorer leur potentiel de production et à promouvoir une politique d'exploitation rationnelle des ressources naturelles évitant leur épuisement inconsidéré;
- e) promouvoir l'amélioration des conditions de vie et de travail de la main-d'œuvre, permettant leur égalisation dans le progrès, dans chacune des industries dont elle a la charge;
- f) promouvoir le développement des échanges internationaux et veiller au respect de limites équitables dans les prix pratiqués sur les marchés extérieurs;
- g) promouvoir l'expansion régulière et la modernisation de la production ainsi que l'amélioration de la qualité, dans des conditions qui écartent toute protection contre les industries concurrentes que ne justifierait pas une action illégitime menée par elles ou en leur faveur.

Article 4

Sont reconnus incompatibles avec le marché commun du charbon et de l'acier et, en conséquence, sont abolis et interdits dans les conditions prévues au présent Traité, à l'intérieur de la Communauté:

- a) les droits d'entrée ou de sortie, ou taxes d'effet équivalent, et les restrictions quantitatives à la circulation des produits;
- b) les mesures ou pratiques établissant une discrimination entre producteurs, entre acheteurs ou entre utilisateurs, notamment en ce qui concerne les conditions de prix ou de livraison et les tarifs de transports, ainsi que les mesures ou pratiques faisant obstacle au libre choix par l'acheteur de son fournisseur;
- c) les subventions ou aides accordées par les États ou les charges spéciales imposées par eux, sous quelque forme que ce soit;
- d) les pratiques restrictives tendant à la répartition ou à l'exploitation des marchés.

Article 5

La Communauté accomplit sa mission, dans les conditions prévues au présent Traité, avec des interventions limitées.

A cet effet:

- Elle éclaire et facilite l'action des intéressés en recueillant des informations, en organisant des consultations et en définissant des objectifs généraux;
- Elle met des moyens de financement à la disposition des entreprises pour leurs investissements et participe aux charges de la réadaptation;
- Elle assure l'établissement, le maintien et le respect des conditions normales de concurrence et n'exerce une action directe sur la production et le marché que lorsque les circonstances l'exigent;
- Elle rend publics les motifs de son action et prend les mesures nécessaires pour assurer le respect des règles prévues par le présent Traité.

Les institutions de la Communauté exercent ces activités avec un appareil administratif réduit, en coopération étroite avec les intéressés.

Article 6

La Communauté a la personnalité juridique.

Dans les relations internationales, la Communauté jouit de la capacité juridique nécessaire pour exercer ses fonctions et atteindre ses buts.

Dans chacun des États membres, la Communauté jouit de la capacité juridique la plus large reconnue aux personnes morales nationales; elle peut, notamment, acquérir et aliéner des biens immobiliers et mobiliers et ester en justice.

La Communauté est représentée par ses institutions, chacune dans le cadre de ses attributions.

TITRE DEUXIÈME

Des Institutions de la Communauté

Article 7

Les institutions de la Communauté sont:

- une Haute Autorité, assistée d'un Comité Consultatif;
- une Assemblée Commune, ci-après dénommée 'l'Assemblée';
- un Conseil Spécial de Ministres, ci-après dénommé 'le Conseil';
- une Cour de Justice, ci-après dénommée 'la Cour'.

CHAPITRE PREMIER

DE LA HAUTE AUTORITÉ

Article 8

La Haute Autorité est chargée d'assurer la réalisation des objets fixés par le présent Traité dans les conditions prévues par celui-ci.

Article 9

La Haute Autorité est composée de neuf membres nommés pour six ans et choisis en raison de leur compétence générale.

Les membres sortants peuvent être nommés de nouveau. Le nombre des membres de la Haute Autorité peut être réduit par décision du Conseil statuant à l'unanimité.

Seuls des nationaux des États membres peuvent être membres de la Haute Autorité.

La Haute Autorité ne peut comprendre plus de deux membres ayant la nationalité d'un même État.

Les membres de la Haute Autorité exercent leurs fonctions en pleine indépendance, dans l'intérêt général de la Communauté. Dans l'accomplissement de leurs devoirs, ils ne sollicitent ni n'acceptent d'instructions d'aucun Gouvernement ni d'aucun organisme. Ils s'abstiennent de tout acte incompatible avec le caractère supranational de leurs fonctions.

Chaque État membre s'engage à respecter ce caractère supranational et à ne pas chercher à influencer les membres de la Haute Autorité dans l'exécution de leur tâche.

Les membres de la Haute Autorité ne peuvent exercer aucune activité professionnelle, rémunérée ou non, ni acquérir ou conserver, directement ou indirectement, aucun intérêt dans les affaires relevant du charbon et de l'acier pendant l'exercice de leurs fonctions et pendant une durée de trois ans à partir de la cessation desdites fonctions.

Article 10

Les Gouvernements des États membres nomment d'un commun accord huit membres. Ceux-ci procèdent à la nomination du neuvième membre, qui est élu s'il recueille au moins cinq voix.

Les membres ainsi nommés demeurent en fonctions pendant une période de six ans à compter de la date d'établissement du marché commun.

Au cas où, pendant cette première période, une vacance se produit pour l'une des causes prévues à l'article 12, celle-ci est comblée, suivant les dispositions du troisième alinéa dudit article, du commun accord des gouvernements des États membres.

En cas d'application, au cours de la période, de l'article 24, alinéa 3, il est pourvu au remplacement des membres de la Haute Autorité, conformément aux dispositions du premier alinéa du présent article.

A l'expiration de cette période, un renouvellement général a lieu, et la désignation des neuf membres s'opère comme suit: les gouvernements des États membres, à défaut d'accord unanime, procèdent, à la majorité des cinq sixièmes, à la nomination de huit membres, le neuvième étant désigné par cooptation dans les conditions prévues au premier alinéa du présent article. La même procédure s'applique au renouvellement général rendu nécessaire en cas d'application de l'article 24.

Le renouvellement des membres de la Haute Autorité s'opère par tiers tous les deux ans.

Dans tous les cas de renouvellement général, l'ordre de sortie est immédiatement déterminé par le sort à la diligence du Président du Conseil.

Les renouvellements réguliers résultant de l'expiration des périodes biennales s'opèrent alternativement, dans l'ordre suivant, par nomination des gouvernements des États membres dans les conditions prévues au cinquième alinéa du présent article, et par cooptation conformément aux dispositions du premier alinéa.

Au cas où des vacances viennent à se produire pour l'une des causes prévues à l'article 12, celles-ci sont comblées, suivant les dispositions du troisième alinéa dudit article, alternativement, dans l'ordre suivant, par nomination des gouvernements des États membres, dans les conditions prévues au cinquième alinéa du présent article, et par cooptation conformément aux dispositions du premier alinéa.

Dans tous les cas prévus au présent article où une nomination est faite par voie de décision des gouvernements à la majorité des cinq sixièmes ou par voie de cooptation, chaque Gouvernement dispose d'un droit de veto dans les conditions ci-après:

Lorsqu'un Gouvernement a usé de son droit de veto à l'égard de deux personnes s'il s'agit d'un renouvellement individuel, et de quatre personnes s'il s'agit d'un renouvellement général ou biennal, tout autre exercice dudit droit à l'occasion du même renouvellement peut être déféré à la Cour par un autre gouvernement; la Cour peut déclarer le veto nul et non avenu si elle l'estime abusif.

Sauf cas de démission d'office prévu à l'article 12, alinéa 2, les membres de la Haute Autorité restent en fonctions jusqu'à ce qu'il soit pourvu à leur remplacement.

Article II

Le Président et le Vice-Président de la Haute Autorité sont désignés parmi les membres de celle-ci pour deux ans, selon la même procédure que celle prévue pour la nomination des membres de la Haute Autorité par les Gouvernements des États membres. Leur mandat peut être renouvelé.

Sauf dans le cas d'un renouvellement général, la nomination est faite après consultation de la Haute Autorité.

Article 12

En dehors des renouvellements réguliers, les fonctions des membres de la Haute Autorité prennent fin individuellement par décès ou démission.

Peuvent être déclarés démissionnaires d'office par la Cour, à la requête de la Haute Autorité ou du Conseil, les membres de la Haute Autorité ne remplissant plus les conditions nécessaires pour exercer leurs fonctions ou ayant commis une faute grave.

Dans les cas prévus au présent article, l'intéressé est remplacé, pour la durée du mandat restant à courir, dans les conditions fixées à l'article 10. Il n'y a pas lieu à remplacement si la durée du mandat restant à courir est inférieure à trois mois.

Article 13

Les délibérations de la Haute Autorité sont acquises à la majorité des membres qui la composent.

Le règlement intérieur fixe le quorum. Toutefois, ce quorum doit être supérieur à la moitié du nombre des membres qui composent la Haute Autorité.

Article 14

Pour l'exécution des missions qui lui sont confiées et dans les conditions prévues au présent Traité, la Haute Autorité prend des décisions, formule des recommandations ou émet des avis.

Les décisions sont obligatoires en tous leurs éléments.

Les recommandations comportent obligation dans les buts qu'elles assignent, mais laissent à ceux qui en sont l'objet le choix des moyens propres à atteindre ces buts.

Les avis ne lient pas.

Lorsque la Haute Autorité est habilitée à prendre une décision, elle peut se borner à formuler une recommandation.

Article 15

Les décisions, recommandations et avis de la Haute Authorité sont motivées et visent les avis obligatoirement recueillis.

Les décisions et recommandations, lorsqu'elles ont un caractère individuel, obligent l'intéressé, par l'effet de la notification qui lui en est faite.

Dans les autres cas, elles sont applicables par le seul effet de leur publication.

Les modalités d'exécution du présent article seront déterminées par la Haute Autorité.

Article 16

La Haute Autorité prend toutes mesures d'ordre intérieur propres à assurer le fonctionnement de ses services.

Elle peut instituer des Comités d'études et notamment un Comité d'études économiques.

Dans le cadre d'un règlement général d'organisation établi par la Haute Autorité, le Président de la Haute Autorité est chargé de l'administration des services et assure l'exécution des délibérations de la Haute Autorité.

Article 17

La Haute Autorité publie tous les ans, un mois au moins avant l'ouverture de la session de l'Assemblée, un rapport général sur l'activité de la Communauté et sur ses dépenses administratives.

Article 18

Un Comité Consultatif est institué auprès de la Haute Autorité. Il est composé de 30 membres au moins et de 51 au plus et comprend, en nombre égal, des producteurs, des travailleurs, et des utilisateurs et négociants.

Les membres du Comité Consultatif sont nommés par le Conseil.

En ce qui concerne les producteurs et les travailleurs, le Conseil désigne les organisations représentatives, entre lesquelles il répartit les sièges à pourvoir. Chaque organisation est appelée à établir une liste comprenant un nombre double de celui des sièges qui lui sont attribués. La nomination est faite sur cette liste.

Les membres du Comité Consultatif sont nommés à titre personnel et pour deux ans. Ils ne sont liés par aucun mandat ou instruction des organisations qui les ont désignés.

Le Comité Consultatif désigne parmi ses membres son Président et son Bureau pour une durée d'un an. Le Comité arrête son règlement intérieur.

Les indemnités allouées aux membres du Comité Consultatif sont fixées par le Conseil sur proposition de la Haute Autorité.

Article 19

La Haute Autorité peut consulter le Comité Consultatif dans tous les cas où elle le juge opportun. Elle est tenue de le faire chaque fois que cette consultation est prescrite par le présent Traité.

La Haute Autorité soumet au Comité Consultatif les objectifs généraux et les programmes établis au titre de l'article 46 et le tient informé des lignes directrices de son action au titre des articles 54, 65 et 66.

Si la Haute Autorité l'estime nécessaire, elle impartit au Comité Consultatif, pour présenter son avis, un délai qui ne peut être inférieur à dix jours à dater de la communication qui est adressée à cet effet au Président.

Le Comité Consultatif est convoqué par son Président, soit à la demande de la Haute Autorité, soit à la demande de la majorité de ses membres, en vue de délibérer sur une question déterminée.

Le procès-verbal des délibérations est transmis à la Haute Autorité et au Conseil en même temps que les avis du Comité.

CHAPITRE II

DE L'ASSEMBLÉE

Article 20

L'Assemblée, composée de représentants des peuples des États réunis dans la Communauté, exerce les pouvoirs de contrôle qui lui sont attribués par le présent Traité.

Article 21

L'Assemblée est formée de délégués que les Parlements sont appelés à désigner en leur sein une fois par an, ou élus au suffrage universel direct, selon la procédure fixée par chaque Haute Partie Contractante.

Le nombre de ces délégués est fixé ainsi qu'il suit:

Allemagne					•		•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•
Belgique			 •	•	•	•	•	•	•	•	٠	•	•	•	•	•	•	•	•	•	•	•	•	•
France																								
Italie			 •	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Luxembourg	5		 •	•	•	•	•	•	•	•	٠	٠	•	•	•	•	•	•	•	•	•	•	•	•
Pavs-Bas							•				•		•	•	•	•	•	•	•	•			•	•

Les représentants de la population sarroise sont compris dans le nombre des délégués attribués à la France.

Article 22

L'Assemblée tient une session annuelle. Elle se réunit de plein droit le deuxième mardi de mai. La session ne peut se prolonger au delà de la fin de l'exercice financier en cours.

L'Assemblée peut être convoquée en session extraordinaire à la demande du Conseil pour émettre un avis sur les questions qui lui sont soumises par celui-ci.

Elle peut également se réunir en session extraordinaire à la demande de la majorité de ses membres ou de la Haute Autorité.

Article 23

L'Assemblée désigne parmi ses membres son Président et son bureau.

Les membres de la Haute Autorité peuvent assister à toutes les séances. Le Président ou les membres de la Haute Autorité désignés par elle sont entendus sur leur demande.

La Haute Autorité répond oralement ou par écrit aux questions qui lui sont posées par l'Assemblée ou par ses membres.

Les membres du Conseil peuvent assister à toutes les séances et sont entendus sur leur demande.

Article 24

L'Assemblée procède, en séance publique, à la discussion du rapport général qui lui est soumis par la Haute Autorité.

L'Assemblée, saisie d'une motion de censure sur le rapport, ne peut se prononcer sur ladite motion que trois jours au moins après son dépôt et par un scrutin public.

Si la motion de censure est adoptée à une majorité des deux tiers des voix exprimées et à la majorité des membres qui composent l'Assemblée, les membres de la Haute Autorité doivent abandonner collectivement leurs fonctions. Ils continueront à expédier les affaires courantes jusqu'à leur remplacement, conformément à l'article 10.

Article 25

L'Assemblée arrête son règlement intérieur à la majorité des membres qui la composent.

Les actes de l'Assemblée sont publiés dans les conditions prévues par ce règlement.

CHAPITRE III

Du Conseil

Article 26

Le Conseil exerce ses attributions dans les cas prévus et de la manière indiquée au présent Traité, notamment en vue d'harmoniser l'action de la Haute Autorité et celle des Gouvernements responsables de la politique économique générale de leurs pays.

A cet effet, le Conseil et la Haute Autorité procèdent à des échanges d'informations et à des consultations réciproques.

Le Conseil peut demander à la Haute Autorité de procéder à l'étude de toutes propositions et mesures qu'il juge opportunes ou nécessaires à la réalisation des objectifs communs.

Article 27

Le Conseil est formé par les représentants des États membres. Chaque

État y délègue un membre de son gouvernement.

La présidence est exercée à tour de rôle par chaque membre du Conseil pour une durée de trois mois suivant l'ordre alphabétique des États membres.

Article 28

Le Conseil se réunit sur convocation de son Président, à la demande d'un État membre ou de la Haute Autorité.

Lorsque le Conseil est consulté par la Haute Autorité, il délibère sans procéder nécessairement à un vote. Les procès-verbaux des délibérations sont transmis à la Haute Autorité.

Dans le cas où le présent Traité requiert un avis conforme du Conseil, l'avis est réputé acquis si la proposition soumise par la Haute Autorité recueille l'accord:

- De la majorité absolue des représentants des États membres, y compris la voix du représentant d'un des États qui assurent au moins 20% de la valeur totale des productions de charbon et d'acier de la Communauté;
- Ou, en cas de partage égal des voix, et si la Haute Autorité maintient sa proposition après une seconde délibération, des représentants de deux États membres assurant chacun 20% au moins de la valeur totale des productions de charbon et d'acier de la Communauté.

Dans le cas où le présent Traité requiert une décision à l'unanimité ou un avis conforme à l'unanimité, la décision ou l'avis sont acquis s'ils recueillent les voix de tous les membres du Conseil.

Les décisions du Conseil, autres que celles qui requièrent une majorité qualifiée ou l'unanimité, sont prises à la majorité des membres qui composent le Conseil; cette majorité est réputée acquise si elle comprend la majorité absolue des représentants des États membres, y compris la voix du représentant d'un des États qui assurent au moins 20% de la valeur totale des productions de charbon et d'acier de la Communauté.

En cas de vote, chaque membre du Conseil peut recevoir délégation d'un seul des autres membres.

Le Conseil communique avec les États membres par l'intermédiaire de son Président.

Les délibérations du Conseil sont publiées dans les conditions arrêtées par lui.

Article 29

Le Conseil fixe les traitements, indemnités et pensions du Président et des membres de la Haute Autorité, du Président, des juges, des avocats généraux et du greffier de la Cour.

Article 30

Le Conseil arrête son règlement intérieur.

CHAPITRE IV

DE LA COUR

Article 31

La Cour assure le respect du droit dans l'interprétation et l'application du présent Traité et des règlements d'exécution.

Article 32

La Cour est formée de sept juges nommés d'un commun accord pour six ans par les Gouvernements des États membres parmi des personnalités offrant toutes garanties d'indépendance et de compétence.

Un renouvellement partiel aura lieu tous les trois ans. Il portera alternativement sur trois membres et sur quatre membres. Les trois membres dont la désignation est sujette à renouvellement à la fin de la première période de trois ans seront désignés par le sort.

Les juges sortants peuvent être nommés de nouveau.

Le nombre des juges peut être augmenté par le Conseil statuant à l'unanimité sur proposition de la Cour.

Les juges désignent parmi eux, pour trois ans, le Président de la Cour.

Article 33

La Cour est compétente pour se prononcer sur les recours en annulation pour incompétence, violation des formes substantielles, violation du Traité ou de toute règle de droit relative à son application, ou détournement de pouvoir, formés contre les décisions et recommandations de la Haute Autorité par un des États membres ou par le Conseil. Toutefois, l'examen de la Cour ne peut porter sur l'appréciation de la situation découlant des faits ou circonstances économiques au vu de laquelle sont intervenues lesdites décisions ou recommandations, sauf s'il est fait grief à la Haute Autorité d'avoir commis un détournement de pouvoir ou d'avoir méconnu d'une manière patente les dispositions du Traité ou toute règle de droit relative à son application.

Les entreprises ou les associations visées à l'article 48 peuvent former, dans les mêmes conditions, un recours contre les décisions et recommandations individuelles les concernant ou contre les décisions et recommanda-

tions générales qu'elles estiment entachées de détournement de pouvoir à leur égard.

Les recours prévus aux deux premiers alinéas du présent article doivent être formés dans le délai d'un mois à compter, suivant le cas, de la notification ou de la publication de la décision ou recommandation.

Article 34

En cas d'annulation, la Cour renvoie l'affaire devant la Haute Autorité. Celle-ci est tenue de prendre les mesures que comporte l'exécution de la décision d'annulation. En cas de préjudice direct et spécial subi par une entreprise ou un groupe d'entreprises du fait d'une décision ou d'une recommandation reconnue par la Cour entachée d'une faute de nature à engager la responsabilité del a Communauté, la Haute Autorité est tenue de prendre, en usant des pouvoirs qui lui sont reconnus par les dispositions du présent Traité, les mesures propres à assurer une équitable réparation du préjudice résultant directement de la décision ou de la recommandation annulée et d'accorder, en tant que de besoin, une juste indemnité.

Si la Haute Autorité s'abstient de prendre, dans un délai raisonnable, les mesures que comporte l'exécution d'une décision d'annulation, un recours en indemnité est ouvert devant la Cour.

Article 35

Dans le cas où la Haute Autorité, tenue par une disposition du présent Traité ou des règlements d'application de prendre une décision ou de formuler une recommandation, ne se conforme pas à cette obligation, il appartient, selon le cas, aux États, au Conseil ou aux entreprises et associations de la saisir.

Il en est de même dans le cas où la Haute Autorité, habilitée par une disposition du présent Traité ou des règlements d'application à prendre une décision ou à formuler une recommandation, s'en abstient et où cette abstention constitue un détournement de pouvoir.

Si, à l'expiration d'un délai de deux mois, la Haute Autorité n'a pris aucune décision ou formulé aucune recommandation, un recours peut être formé devant la Cour dans un délai d'un mois contre la décision implicite de refus qui est réputée résulter de ce silence.

Article 36

La Haute Autorité, avant de prendre une des sanctions pécuniaires ou de fixer une des astreintes prévues au présent Traité, doit mettre l'intéressé en mesure de présenter ses observations.

Les sanctions pécuniaires et les astreintes prononcées en vertu des dispositions du présent Traité peuvent faire l'objet d'un recours de pleine juridiction.

Les requérants peuvent se prévaloir, à l'appui de ce recours, dans les conditions prévues au premier alinéa de l'article 33 du présent Traité, de l'irrégularité des décisions et recommandations dont la méconnaissance leur est reprochée.

Article 37

Lorsqu'un État membre estime que, dans un cas déterminé, une action ou un défaut d'action de la Haute Autorité est de nature à provoquer dans son économie des troubles fondamentaux et persistants, il peut saisir la Haute Autorité.

Celle-ci, après consultation du Conseil, reconnaît, s'il y a lieu, l'existence d'une telle situation et décide des mesures à prendre, dans les conditions prévues au présent Traité, pour mettre fin à cette situation tout en sauve-gardant les intérêts essentiels de la Communauté.

Lorsque la Cour est saisie d'un recours fondé sur les dispositions du présent article contre cette décision ou contre la décision explicite ou implicite refusant de reconnaître l'existence de la situation ci-dessus visée, il lui appartient d'en apprécier le bien-fondé.

En cas d'annulation, la Haute Autorité est tenue de décider, dans le cadre de l'arrêt de la Cour, des mesures à prendre aux fins prévues au deuxième alinéa du présent article.

Article 38

La Cour peut annuler, à la requête d'un des États membres ou de la Haute Autorité, les délibérations de l'Assemblée ou du Conseil.

La requête doit être formée dans le délai d'un mois à compter de la publication de la délibération de l'Assemblée ou de la communication de la délibération du Conseil aux États membres ou à la Haute Autorité.

Seuls les moyens tirés de l'incompétence ou de la violation des formes substantielles peuvent être invoqués à l'appui d'un tel recours.

Article 39

Les recours formés devant la Cour n'ont pas d'effet suspensif.

Toutefois, la Cour peut, si elle estime que les circonstances l'exigent, ordonner le sursis à l'exécution de la décision ou de la recommandation attaquée.

Elle peut prescrire toutes autres mesures provisoires nécessaires.

Article 40

Sous réserve des dispositions de l'article 34, alinéa 1, la Cour est compétente pour accorder, sur demande de la partie lésée, une réparation pécuniaire à la charge de la Communauté, en cas de préjudice causé dans l'exécution du présent Traité par une faute de service de la Communauté. Elle est également compétente pour accorder une réparation à la charge d'un agent des services de la Communauté, en cas de préjudice causé par une faute personnelle de cet agent dans l'exercice de ses fonctions. Si la partie lésée n'a pu obtenir cette réparation de la part de l'agent, la Cour peut mettre une indemnité équitable à la charge de la Communauté.

Tous autres litiges nés entre la Communauté et les tiers, en dehors de l'application des clauses du présent Traité et des règlements d'application, sont portés devant les tribunaux nationaux.

Article 41

La Cour est seule compétente pour statuer, à titre préjudiciel, sur la validité des délibérations de la Haute Autorité et du Conseil, dans le cas où un litige porté devant un tribunal national mettrait en cause cette validité.

Article 42

La Cour est compétente pour statuer en vertu d'une clause compromissoire contenue dans un contrat de droit public ou de droit privé passé par la Communauté ou pour son compte.

Article 43

La Cour est compétente pour statuer dans tout autre cas prévu par une disposition additionnelle du présent Traité.

Elle peut également statuer dans tous les cas en connexité avec l'objet du présent Traité où la législation d'un État membre lui attribue compétence.

Article 44

Les arrêts de la Cour ont force exécutoire sur le territoire des États membres, dans les conditions fixées à l'article 92 ci-après.

Article 45

Le Statut de la Cour est fixé par un Protocole annexé au présent Traité.

TITRE TROISIÈME

DISPOSITIONS ÉCONOMIQUES ET SOCIALES

CHAPITRE PREMIER

DISPOSITIONS GÉNÉRALES

Article 46

La Haute Autorité peut, à tout moment, consulter les Gouvernements, les divers intéressés (entreprises, travailleurs, utilisateurs et négociants) et leurs associations, ainsi que tous experts.

Les entreprises, les travailleurs, les utilisateurs et négociants, et leurs associations ont qualité pour présenter à la Haute Autorité toutes suggestions ou observations sur les questions les concernant.

Pour orienter, en fonction des missions imparties à la Communauté, l'action de tous les intéressés, et pour déterminer son action propre, dans les conditions prévues au présent Traité, la Haute Autorité doit, en recourant aux consultations ci-dessus:

- 1° effectuer une étude permanente de l'évolution des marchés et des tendances des prix;
- 2° établir périodiquement des programmes prévisionnels de caractère indicatif portant sur la production, la consommation, l'exportation et l'importation:
- 3° définir périodiquement des objectifs généraux concernant la modernisation, l'orientation à long terme des fabrications et l'expansion des capacités de production;
- 4° participer, à la demande des gouvernements intéressés, à l'étude des possibilités de réemploi, dans les industries existantes ou par la création d'activités nouvelles, de la main-d'œuvre rendue disponible par l'évolution du marché ou les transformations techniques;
- 5° rassembler les informations nécessaires à l'appréciation des possibilités de relèvement des conditions de vie et de travail de la maind'œuvre des industries dont elle a la charge et des risques qui menacent ces conditions de vie.

Elle publie les objectifs généraux et les programmes, après les avoir soumis au Comité Consultatif.

Elle peut rendre publiques les études et informations mentionnées ci-dessus.

Article 47

La Haute Autorité peut recueillir les informations nécessaires à l'accomplissement de sa mission. Elle peut faire procéder aux vérifications nécessaires.

La Haute Autorité est tenue de ne pas divulguer les informations qui, par leur nature, sont couvertes par le secret professionnel et notamment les renseignements relatifs aux entreprises et concernant leurs relations commerciales ou les éléments de leur prix de revient. Sous cette réserve, elle doit publier les données qui sont susceptibles d'être utiles aux Gouvernements ou à tous autres intéressés;

La Haute Autorité peut prononcer, à l'encontre des entreprises qui se soustrairaient aux obligations résultant pour elles des décisions prises en application des dispositions du présent article ou qui fourniraient sciemment des informations fausses, des amendes, dont le montant maximum sera de 1 p. 100 du chiffre d'affaires annuel, et des astreintes dont le

montant maximum sera de 5 p. 100 du chiffre d'affaires journalier moyen par jour de retard.

Toute violation par la Haute Autorité du secret professionnel ayant causé un dommage à une entreprise pourra faire l'objet d'une action en indemnité devant la Cour, dans les conditions prévues à l'article 40.

Article 48

Le droit des entreprises de constituer des associations n'est pas affecté par le présent Traité. L'adhésion à ces associations doit être libre. Elles peuvent exercer toute activité qui n'est pas contraire aux dispositions du présent Traité ou aux décisions ou recommandations de la Haute Autorité.

Dans les cas où le présent Traité prescrit la consultation du Comité Consultatif, toute association est en droit de soumettre à la Haute Autorité, dans les délais fixés par celle-ci les observations de ses membres sur l'action envisagée.

Pour obtenir les informations qui lui sont nécessaires, ou pour faciliter l'exécution des missions qui lui sont confiées, la Haute Autorité recourt normalement aux associations de producteurs, à la condition, soit qu'elles assurent aux représentants qualifiés des travailleurs et des utilisateurs une participation à leurs organes directeurs ou à des comités consultatifs établis auprès d'elles, soit qu'elles fassent par tout autre moyen, dans leur organisation, une place satisfaisante à l'expression des intérêts des travailleurs et des utilisateurs.

Les associations visées à l'alinéa précédent sont tenues de fournir à la Haute Autorité les informations que celle-ci estime nécessaires sur leur activité. Les observations visées au deuxième alinéa du présent article et les informations fournies au titre du quatrième alinéa sont également communiquées par les associations au gouvernement intéressé.

CHAPITRE II

DISPOSITIONS FINANCIÈRES

Article 49

La Haute Autorité est habilitée à se procurer les fonds nécessaires à l'accomplissement de sa mission:

- en établissant des prélèvements sur la production de charbon et d'acier;
 - en contractant des emprunts.

Elle peut recevoir à titre gratuit.

Article 50

- 1. Les prélèvements sont destinés à couvrir:
 - les dépenses administratives prévues à l'article 78;

- l'aide non remboursable prévue à l'article 56, relatif à la réadaptation;
- en ce qui concerne les facilités de financement prévues aux articles 54 et 56 et après appel au fonds de réserve, la fraction du service des emprunts de la Haute Autorité éventuellement non couverte par le service de ses prêts, ainsi que le jeu éventuel de sa garantie aux emprunts souscrits directement par les entreprises;
- les dépenses consacrées à l'encouragement de la recherche technique et économique dans les conditions prévues au paragraphe 2 de l'article 55.
- 2. Les prélèvements sont assis annuellement sur les différents produits en fonction de leur valeur moyenne sans que le taux en puisse excéder 1 p. 100, sauf autorisation préalable du Conseil prise à la majorité des deux tiers. Les conditions d'assiette et de perception sont fixées, en évitant dans toute la mesure possible les taxations cumulatives, par une décision générale de la Haute Autorité prise après consultation du Conseil.
- 3. La Haute Autorité peut prononcer, à l'encontre des entreprises qui ne respecteraient pas les décisions prises par elle en application du présent article, des majorations de 5 p. 100 au maximum par trimestre de retard.

Article 51

1. Les fonds d'emprunts ne peuvent être utilisés par la Haute Autorité que pour consentir des prêts.

L'émission des emprunts de la Haute Autorité sur les marchés des États membres est soumise aux réglementations en vigueur sur ces marchés.

Au cas où la Haute Autorité estime nécessaire la garantie d'États membres pour contracter certains emprunts, elle saisit, après consultation du Conseil, le ou les gouvernements intéressés; aucun État n'est tenu de donner sa garantie.

- 2. La Haute Autorité peut, dans les conditions prévues à l'article 54, garantir des emprunts consentis directement aux entreprises par des tiers.
- 3. La Haute Autorité peut aménager ses conditions de prêt ou de garantie en vue de constituer un fonds de réserve destiné exclusivement à réduire le montant éventuel des prélèvements prévus à l'article 50, § 1, alinéa 3, sans que les sommes ainsi accumulées puissent être utilisées à des prêts à des entreprises, sous quelque forme que ce soit.
- 4. La Haute Autorité n'exerce pas elle-même les activités de caractère bancaire correspondant à ses missions financières.

Article 52

Les États membres prennent toutes dispositions utiles pour assurer, à l'intérieur des territoires visés à l'alinéa 1 de l'article 79, et dans le cadre des modalités adoptées pour les règlements commerciaux, le transfert des fonds provenant des prélèvements, des sanctions pécuniaires et astreintes

et du fonds de réserve, dans la mesure nécessaire à leur utilisation pour les

objets auxquels ils sont destinés par le présent Traité.

Les modalités des transferts, tant entre les États membres qu'à destination des pays tiers, résultant des autres opérations financières effectuées par la Haute Autorité ou sous sa garantie, feront l'objet d'accords passés par la Haute Autorité avec les États membres intéressés ou les organismes compétents sans qu'aucun État membre qui applique une réglementation des changes soit tenu d'assurer des transferts pour lesquels il n'a pas pris d'engagements explicites.

Article 53

Sans préjudice des dispositions de l'article 58 et du chapitre V du titre III, la Haute Autorité peut:

- a) Après consultation du Comité consultatif et du Conseil, autoriser l'institution, dans les conditions qu'elle détermine, et sous son contrôle, de tous mécanismes financiers communs à plusieurs entreprises, qu'elle reconnaît nécessaires à l'exécution des missions définies à l'article 3 et compatibles avec les dispositions du présent Traité, en particulier de l'article 65;
- b) Sur avis conforme du Conseil statuant à l'unanimité, instituer ellemême tous mécanismes financiers répondant aux mêmes fins.

Les mécanismes de même ordre institués ou maintenus par les États membres sont notifiés à la Haute Autorité qui, après consultation du Comité consultatif et du Conseil, adresse aux États intéressés les recommandations nécessaires, au cas où de tels mécanismes sont en tout ou partie contraires à l'application du présent Traité.

CHAPITRE III

Investissements et aides financières

Article 54

La Haute Autorité peut faciliter la réalisation des programmes d'investissements en consentant des prêts aux entreprises ou en donnant sa garantie aux autres emprunts qu'elles contractent.

Sur avis conforme du Conseil statuant à l'unanimité, la Haute Autorité peut concourir par les mêmes moyens au financement de travaux et d'installations qui contribuent directement et à titre principal à accroître la production, abaisser les prix de revient ou faciliter l'écoulement de produits soumis à sa juridiction.

Pour favoriser un développement coordonné des investissements, la Haute Autorité peut obtenir, conformément aux dispositions de l'article 47, communication préalable des programmes individuels, soit par une demande spéciale adressée à l'entreprise intéressée, soit par une décision

définissant la nature et l'importance des programmes qui doivent être communiqués.

Elle peut, après avoir donné aux intéressés toutes facilités pour présenter leurs observations, formuler un avis motivé sur ces programmes dans le cadre des objectifs généraux prévus à l'article 46. Sur demande de l'entre-prise intéressée, elle est tenue de formuler un tel avis. La Haute Autorité notifie l'avis à l'entreprise intéressée et le porte à la connaissance de son gouvernement. La liste des avis est publiée.

Si la Haute Autorité reconnaît que le financement d'un programme ou l'exploitation des installations qu'il comporte impliqueraient des subventions, aides, protections ou discriminations contraires au présent Traité, l'avis défavorable pris par ces motifs vaut décision au sens de l'article 14 et entraîne interdiction pour l'entreprise intéressée de recourir, pour la réalisation de ce programme, à d'autres ressources que ses fonds propres.

La Haute Autorité peut prononcer, à l'encontre des entreprises qui passeraient outre à l'interdiction prévue à l'alinéa précédent, des amendes dont le montant maximum sera égal aux sommes indûment consacrées à la réalisation du programme en cause.

Article 55

- 1. La Haute Autorité doit encourager la recherche technique et économique intéressant la production et le développement de la consommation du charbon et de l'acier, ainsi que la sécurité du travail dans ces industries. Elle organise, à cet effet, tous contacts appropriés entre les organismes de recherche existants.
- 2. Après consultation du Comité Consultatif, la Haute Autorité peut susciter et faciliter le développement de ces recherches:
- a) Soit en provoquant un financement en commun par les entreprises intéressées;
 - b) Soit en y consacrant des fonds reçus à titre gratuit;
- c) Soit, après avis conforme du Conseil, en y affectant des fonds provenant des prélèvements prévus à l'article 50, sans, toutefois, que le plafond défini au paragraphe 2 dudit article puisse être dépassé.

Les résultats des recherches financées, dans les conditions prévues en b et c, sont mis à la disposition de l'ensemble des intéressés dans la Communauté.

3. La Haute Autorité émet tous avis utiles à la diffusion des améliorations techniques, notamment en ce qui concerne les échanges de brevets et la délivrance des licences d'exploitation.

Article 56

Si l'introduction, dans le cadre des objectifs généraux de la Haute Autorité, de procédés techniques ou d'équipements nouveaux a pour conséquence une réduction d'une importance exceptionnelle des besoins de main-d'œuvre des industries du charbon ou de l'acier entraînant, dans une ou plusieurs régions, des difficultés particulières dans le réemploi de la main-d'œuvre rendue disponible, la Haute Autorité, sur la demande des gouvernements intéressés:

- a) prend l'avis du Comité Consultatif;
- b) peut faciliter, suivant les modalités prévues à l'article 54, soit dans les industries relevant de sa juridiction, soit sur avis conforme du Conseil, dans toute autre industrie, le financement des programmes, approuvés par elle, de création d'activités nouvelles économiquement saines et susceptibles d'assurer le réemploi productif de la main-d'œuvre rendue disponible;
 - c) consent une aide non remboursable pour contribuer:
- aux versements d'indemnités permettant à la main-d'œuvre d'attendre d'être replacée;
- à l'attribution aux travailleurs d'allocations pour frais de réinstallation;
- au financement de la rééducation professionnelle des travailleurs amenés à changer d'emploi.

La Haute Autorité subordonne l'octroi d'une aide non remboursable au versement par l'État intéressé d'une contribution spéciale au moins équivalente au montant de cette aide, sauf dérogation autorisée par le Conseil statuant à la majorité des deux tiers.

CHAPITRE IV

PRODUCTION

Article 57

Dans le domaine de la production, la Haute Autorité recourt de préférence aux modes d'action indirects qui sont à sa disposition, tels que:

- la coopération avec les Gouvernements pour régulariser ou influencer la consommation générale, en particulier celle des services publics;
- les interventions en matière de prix et de politique commerciale prévues par le présent Traité.

Article 58

I. En cas de réduction de la demande, si la Haute Autorité estime que la Communauté se trouve en présence d'une période de crise manifeste et que les moyens d'action prévus à l'article 57 ne permettent pas d'y faire face, elle doit, après consultation du Comité Consultatif et sur avis conforme du Conseil, instaurer un régime de quotas de production accompagné, en tant que de besoin, des mesures prévues à l'article 74.

A désaut d'initiative de la Haute Autorité, l'un des États membres peut

saisir le Conseil qui, statuant à l'unanimité, peut prescrire à la Haute Autorité l'instauration d'un régime de quotas.

2. La Haute Autorité, sur la base d'études faites en liaison avec les entreprises et les associations d'entreprises, établit les quotas sur une base équitable, compte tenu des principes définis aux articles 2, 3 et 4. Elle peut, notamment, régler le taux de marche des entreprises par des prélèvements appropriés sur les tonnages dépassant un niveau de référence défini par une décision générale.

Les sommes ainsi obtenues sont affectées au soutien des entreprises dont le rythme de production est ralenti au-dessous de la mesure envisagée, en vue, notamment, d'assurer autant que possible le maintien de l'emploi dans ces entreprises.

- 3. Le régime des quotas prend fin sur proposition adressée au Conseil par la Haute Autorité, après consultation du Comité Consultatif, ou par le gouvernement d'un des États membres, sauf décision contraire du Conseil à l'unanimité si la proposition émane de la Haute Autorité et à la majorité simple si elle émane d'un gouvernement. La fin du régime des quotas fait l'objet d'une publication par les soins de la Haute Autorité.
- 4. La Haute Autorité peut prononcer à l'encontre des entreprises qui violeraient les décisions prises par elle en application du présent article, des amendes dont le montant est égal au maximum à la valeur des productions irrégulières.

Article 59

1. Si la Haute Autorité constate, après consultation du Comité Consultatif, que la Communauté se trouve en présence d'une pénurie de certains ou de l'ensemble des produits soumis à sa juridiction, et que les moyens d'action prévus à l'article 57 ne permettent pas d'y faire face, elle doit saisir le Conseil de cette situation et, sauf décision contraire de celui-ci statuant à l'unanimité, lui proposer les mesures nécessaires.

A défaut d'initiative de la Haute Autorité, le Conseil peut être saisi par l'un des États membres et, par une décision prise à l'unanimité, reconnaître l'existence de la situation prévue ci-dessus.

2. Le Conseil statuant à l'unanimité décide, sur proposition de la Haute Autorité, après consultation avec elle, d'une part, des priorités d'utilisation et, d'autre part, de la répartition des ressources de la Communauté en charbon et en acier entre les industries soumises à sa juridiction, l'exportation et les autres consommations.

En fonction des priorités d'utilisation ainsi décidées, la Haute Autorité établit, après consultation des entreprises intéressées, les programmes de fabrication que les entreprises sont tenues d'exécuter.

3. A défaut d'une décision unanime du Conseil sur les mesures visées au

paragraphe 2, la Haute Autorité procède elle-même, en fonction des consommations et des exportations et indépendamment de la localisation des productions, à la répartition des ressources de la Communauté entre les États membres.

Dans chacun des États membres, la répartition des ressources attribuées par la Haute Autorité est faite sous la responsabilité du Gouvernement, sans qu'elle puisse affecter les livraisons prévues à d'autres États membres, et sous réserve de consultations avec la Haute Autorité en ce qui concerne les parts affectées à l'exportation et à la marche des industries du charbon et de l'acier.

Si la part affectée à l'exportation par un Gouvernement est réduite par rapport aux bases retenues dans l'attribution totale faite à l'État membre en cause, la Haute Autorité, lors du renouvellement des opérations de répartition, redistribuera, en tant que de besoin, entre les États membres, les ressources ainsi dégagées pour la consommation.

Si une réduction relative dans la part affectée par un Gouvernement à la marche des industries du charbon ou de l'acier a pour conséquence une réduction dans une production de la Communauté, l'attribution des produits correspondants faite à l'État membre en cause lors du renouvellement des opérations de répartition sera réduite à concurrence de la production qui lui est imputable.

- 4. Dans tous les cas, la Haute Autorité a la charge de répartir entre les entreprises les quantités attribuées aux industries de sa juridiction sur la base d'études faites en liaison avec les entreprises et les associations d'entreprises.
- 5. Dans la situation prévue au paragraphe i du présent article, l'établissement, dans l'ensemble des États membres, de restrictions aux exportations à destination des pays tiers peut être décidé par la Haute Autorité, conformément aux dispositions de l'article 57, après consultation du Comité Consultatif et sur avis conforme du Conseil, ou, à défaut d'initiative de la Haute Autorité, par le Conseil statuant à l'unanimité sur proposition d'un gouvernement.
- 6. La Haute Autorité peut mettre fin au régime institué en conformité du présent article après consultation du Comité Consultatif et du Conseil. Elle ne peut passer outre à un avis défavorable du Conseil, si cet avis a été pris à l'unanimité.

A défaut d'initiative de la Haute Autorité, le Conseil statuant à l'unanimité peut mettre fin à ce régime.

7. La Haute Autorité peut prononcer à l'encontre des entreprises qui violeraient les décisions prises en application du présent article des amendes dont le montant ne peut excéder le double de la valeur des fabrications ou des livraisons prescrites et non exécutées ou détournées de leur emploi régulier.

CHAPITRE V

PRIX

Article 60

- 1. Sont interdites en matière de prix les pratiques contraires aux articles 2, 3 et 4 et notamment:
- les pratiques déloyales de concurrence, en particulier les baisses de prix purement temporaires ou purement locales tendant, à l'intérieur du marché commun, à l'acquisition d'une position de monopole;
- les pratiques discriminatoires comportant, dans le marché commun, l'application par un vendeur de conditions inégales à des transactions comparables, notamment suivant la nationalité des acheteurs.

La Haute Autorité pourra définir, par décisions prises après consultation du Comité Consultatif et du Conseil, les pratiques visées par cette interdiction.

2. Aux fins énoncées ci-dessus:

- a) les barèmes des prix et conditions de vente appliqués sur le marché commun par les entreprises doivent être rendus publics, dans la mesure et dans les formes prescrites par la Haute Autorité, après consultation du Comité Consultatif; si la Haute Autorité reconnaît que le choix, par une entreprise, du point sur la base duquel elle établit son barème présente un caractère anormal et permet notamment d'éluder les dispositions du b cidessous, elle adresse à cette entreprise les recommandations appropriées;
- b) les modes de cotation appliqués ne doivent pas avoir pour effet d'introduire dans les prix pratiqués par une entreprise sur le marché commun, ramenés à leur équivalent au départ du point choisi pour l'établissement de son barème:
- des majorations par rapport au prix prévu par ledit barème pour une transaction comparable;
 - ou des rabais sur ce prix dont le montant excède:
- soit la mesure permettant d'aligner l'offre faite sur le barème, établi sur la base d'un autre point, qui procure à l'acheteur les conditions les plus avantageuses au lieu de livraison;
- soit les limites fixées pour chaque catégorie de produits, en tenant compte éventuellement de leur origine et de leur destination, par décisions de la Haute Autorité prises après avis du Comité Consultatif.

Ces décisions interviennent quand leur nécessité apparaît, pour éviter des perturbations dans l'ensemble ou dans une partie du marché commun, ou des déséquilibres qui résulteraient d'une divergence entre les modes de cotation utilisés pour un produit et pour les matières qui entrent dans sa fabrication.

Elles ne font pas obstacle à ce que les entreprises alignent leurs offres sur

les conditions offertes par des entreprises extérieures à la Communauté, à condition que ces transactions soient notifiées à la Haute Autorité qui peut, en cas d'abus, limiter ou supprimer, à l'égard des entreprises en cause, le bénéfice de cette dérogation.

Article 61

Sur la base d'études faites en liaison avec les entreprises et les associations d'entreprises, conformément aux dispositions de l'article 46, alinéa 1, et de l'article 48, alinéa 3, et après consultation du Comité Consultatif et du Conseil, tant sur l'opportunité de ces mesures que sur le niveau de prix qu'elles déterminent, la Haute Autorité peut fixer, pour un ou plusieurs produits soumis à sa juridiction:

a) des prix maxima à l'intérieur du marché commun, si elle reconnaît qu'une telle décision est nécessaire pour atteindre les objectifs définis à l'article 3, notamment en son alinéa c;

b) des prix minima à l'intérieur du marché commun, si elle reconnaît l'existence ou l'imminence d'une crise manifeste et la nécessité d'une telle décision pour atteindre les objectifs définis à l'article 3;

c) après consultation des associations des entreprises intéressées ou de ces entreprises elles-mêmes, et suivant des modalités adaptées à la nature des marchés extérieurs, des prix minima ou maxima à l'exportation, si une telle action est susceptible d'un contrôle efficace et apparaît nécessaire, tant en raison des dangers résultant pour les entreprises de la situation du marché que pour faire prévaloir dans les relations économiques internationales l'objectif défini à l'article 3, alinéa f, et sans préjudice, en cas de fixation de prix minima, de l'application des dispositions prévues à l'article 60, § 2, dernier alinéa.

Dans la fixation des prix, la Haute Autorité doit tenir compte de la nécessité d'assurer la capacité concurrentielle tant des industries du charbon ou de l'acier que des industries utilisatrices, suivant les principes définis à l'article 3, alinéa c.

A défaut d'initiative de la Haute Autorité, dans les circonstances prévues ci-dessus, le gouvernement d'un des États membres peut saisir le Conseil qui, par décision prise à l'unanimité, peut inviter la Haute Autorité à fixer de tels maxima ou minima.

Article 62

Lorsque la Haute Autorité estime qu'une telle action est la plus appropriée pour éviter que le prix du charbon ne s'établisse au niveau du coût de production des mines les plus coûteuses à exploiter dont le maintien en service est reconnu temporairement nécessaire à l'accomplissement des missions définies à l'article 3, la Haute Autorité peut, après avis du Comité Consultatif, autoriser des compensations:

- entre entreprises d'un même bassin auxquelles s'appliquent les mêmes barèmes;
- après consultation du Conseil, entre entreprises situées dans des bassins différents.

Les dites compensations peuvent, en outre, être instituées dans les conditions prévues à l'article 53.

Article 63

- 1. Si la Haute Autorité constate que des discriminations sont systématiquement exercées par des acheteurs, notamment en vertu des clauses régissant les marchés passés par des organismes dépendant des pouvoirs publics, elle adresse aux gouvernements intéressés les recommandations nécessaires.
- 2. Dans la mesure où elle l'estime nécessaire, la Haute Autorité peut décider que:
- a) les entreprises devront établir leurs conditions de vente de telle sorte que leurs acheteurs et leurs commissionnaires s'obligent à se conformer aux règles posées par la Haute Autorité en application des dispositions du présent chapitre;
- b) les entreprises seront rendues responsables des infractions aux obligations ainsi contractées commises par leurs agents directs ou les commissionnaires traitant pour le compte desdites entreprises.

Elle pourra, en cas d'infraction commise par un acheteur aux obligations ainsi contractées, limiter, dans une mesure qui pourra, en cas de récidive, comporter une interdiction temporaire, le droit des entreprises de la Communauté de traiter avec ledit acheteur. Dans ce cas, et sans préjudice des dispositions de l'article 33, un recours sera ouvert à l'acheteur devant la Cour.

3. En outre la Haute Autorité est habilitée à adresser aux États membres intéressés toutes recommandations appropriées en vue d'assurer le respect des règles posées en application des dispositions de l'article 60, § 1, par toute entreprise ou organisme exerçant une activité de distribution dans le domaine du charbon ou de l'acier.

Article 64

La Haute Autorité peut prononcer à l'encontre des entreprises qui violeraient les dispositions du présent chapitre ou les décisions prises pour son application des amendes à concurrence du double de la valeur des ventes irrégulières. En cas de récidive, le maximum ci-dessus est doublé.

CHAPITRE VI

Ententes et concentrations Article 65

- r. Sont interdits tous accords entre entreprises, toutes décisions d'associations d'entreprises et toutes pratiques concertées qui tendraient, sur le marché commun, directement ou indirectement, à empêcher, restreindre ou fausser le jeu normal de la concurrence et en particulier:
 - a) à fixer ou déterminer les prix;
- b) à restreindre ou à contrôler la production, le développement technique ou les investissements;
- \bar{c}) à répartir les marchés, produits, clients ou sources d'approvisionnement.
- 2. Toutefois, la Haute Autorité autorise, pour des produits déterminés, des accords de spécialisation ou des accords d'achat ou de vente en commun, si elle reconnaît:
- a) que cette spécialisation ou ces achats ou ces ventes en commun contribueront à une amélioration notable dans la production ou la distribution des produits visés;
- b) que l'accord en cause est essentiel pour obtenir ces effets sans qu'il soit d'un caractère plus restrictif que ne l'exige son objet, et
- c) qu'il n'est pas susceptible de donner aux entreprises intéressées le pouvoir de déterminer les prix, contrôler ou limiter la production ou les débouchés, d'une partie substantielle des produits en cause dans le marché commun, ni de les soustraire à une concurrence effective d'autres entreprises dans le marché commun.

Si la Haute Autorité reconnaît que certains accords sont strictement analogues, quant à leur nature et à leurs effets, aux accords visés ci-dessus, compte tenu notamment de l'application du présent paragraphe aux entreprises de distribution, elle les autorise également lorsqu'elle reconnaît qu'ils satisfont aux mêmes conditions.

Les autorisations peuvent être accordées à des conditions déterminées et pour une période limitée. Dans ce cas, la Haute Autorité renouvelle l'autorisation une ou plusieurs fois si elle constate qu'au moment du renouvellement, les conditions prévues aux alinéas a à c ci-dessus continuent d'être remplies.

La Haute Autorité révoque l'autorisation ou en modifie les termes si elle reconnaît que, par l'effet d'un changement dans les circonstances, l'accord ne répond plus aux conditions prévues ci-dessus, ou que les conséquences effectives de cet accord ou de son application sont contraires aux conditions requises pour son approbation.

Les décisions comportant octroi, renouvellement, modification, refus ou révocation d'autorisation, ainsi que leurs motifs doivent être publiés, sans

que les limitations édictées par l'article 47, deuxième alinéa, soient applicables en pareil cas.

- 3. La Haute Autorité peut obtenir, conformément aux dispositions de l'article 47, toutes informations nécessaires à l'application du présent article, soit par demande spéciale adressée aux intéressés, soit par un règlement définissant la nature des accords, décisions ou pratiques qui ont à lui être communiqués.
- 4. Les accords ou décisions interdits en vertu du paragraphe 1 du présent article sont nuls de plein droit et ne peuvent être invoqués devant aucune juridiction des États membres.

La Haute Autorité a compétence exclusive, sous réserve des recours devant la Cour, pour se prononcer sur la conformité avec les dispositions du présent article desdits accords ou décisions.

5. La Haute Autorité peut prononcer contre les entreprises qui auraient conclu un accord nul de plein droit, appliqué ou tenté d'appliquer, par voie d'arbitrage, dédit, boycott, ou tout autre moyen, un accord ou une décision nuls de plein droit ou un accord dont l'approbation a été refusée ou révoquée, ou qui obtiendraient le bénéfice d'une autorisation au moyen d'informations sciemment fausses ou déformées, ou qui se livreraient à des pratiques contraires aux dispositions du paragraphe 1, des amendes et astreintes au maximum égales ou double du chiffre d'affaires réalisé sur les produits ayant fait l'objet de l'accord, de la décision ou de la pratique contraires aux dispositions du présent article, sans préjudice, si cet objet est de restreindre la production, le développement technique ou les investissements, d'un relèvement du maximum ainsi déterminé à concurrence de 10 p. 100 du chiffre d'affaires annuel des entreprises en cause, en ce qui concerne l'amende, et de 20 p. 100 du chiffre d'affaires journalier, en ce qui concerne les astreintes.

Article 66

1. Est soumise à autorisation préalable de la Haute Autorité, sous réserve des dispositions du paragraphe 3, toute opération ayant par elle-même pour effet direct ou indirect, à l'intérieur des territoires visés à l'alinéa 1 de l'article 79, et du fait d'une personne ou d'une entreprise, d'un groupe de personnes ou d'entreprises, une concentration entre entreprises dont l'une au moins relève de l'application de l'article 80, que l'opération soit relative à un même produit ou à des produits différents, qu'elle soit effectuée par fusion, acquisition d'actions ou d'éléments d'actifs, prêt, contrat, ou tout autre moyen de contrôle. Pour l'application des dispositions ci-dessus, la Haute Autorité définit par un règlement, établi après consultation du Conseil, les éléments qui constituent le contrôle d'une entreprise.

2. La Haute Autorité accorde l'autorisation visée au paragraphe précédent, si elle reconnaît que l'opération envisagée ne donnera pas aux personnes ou aux entreprises intéressées, en ce qui concerne celui ou ceux des produits en cause qui relèvent de sa juridiction, le pouvoir:

— de déterminer les prix, contrôler ou restreindre la production ou la distribution, ou faire obstacle au maintien d'une concurrence effective, sur

une partie importante du marché desdits produits;

— ou d'échapper, notamment en établissant une position artificiellement privilégiée et comportant un avantage substantiel dans l'accès aux approvisionnements ou aux débouchés, aux règles de concurrence résultant de l'application du présent Traité.

Dans cette appréciation, et conformément au principe de non discrimination énoncé à l'article 4, alinéa b, la Haute Autorité tient compte de l'importance des entreprises de même nature existant dans la Communauté, dans la mesure qu'elle estime justifiée pour éviter ou corriger les désavantages résultant d'une inégalité dans les conditions de concurrence.

La Haute Autorité peut subordonner l'autorisation à toutes conditions

qu'elle estime appropriées aux fins du présent paragraphe.

Avant de se prononcer sur une opération affectant des entreprises dont l'une au moins échappe à l'application de l'article 80, la Haute Autorité recueille les observations du gouvernement intéressé.

- 3. La Haute Autorité exempte de l'obligation d'autorisation préalable les catégories d'opérations dont elle reconnaît que, par l'importance des actifs ou entreprises qu'elles affectent, considérées en liaison avec la nature de la concentration qu'elles réalisent, elles doivent être réputées conformes aux conditions requises par le paragraphe 2. Le règlement, établi à cet effet après avis conforme du Conseil, fixe également les conditions auxquelles cette exemption est soumise.
- 4. Sans préjudice de l'application de l'article 47 à l'égard des entreprises relevant de sa juridiction, la Haute Autorité peut, soit par un règlement établi après consultation du Conseil et définissant la nature des opérations qui ont à lui être communiquées, soit par demande spéciale adressée aux intéressés dans le cadre de ce règlement, obtenir des personnes physiques ou morales ayant acquis ou regroupé, ou devant acquérir ou regrouper les droits ou actifs en cause, toutes informations nécessaires à l'application du présent article sur les opérations susceptibles de produire l'effet visé au paragraphe 1.
- 5. Si une concentration vient à être réalisée, dont la Haute Autorité reconnaît qu'elle a été effectuée en infraction aux dispositions du paragraphe 1 et satisfait néanmoins aux conditions prévues par le paragraphe 2, elle subordonne l'approbation de cette concentration au versement, par les personnes ayant acquis ou regroupé les droits ou actifs en cause, de

l'amende prévue au paragraphe 6, deuxième alinéa, sans que le montant puisse être inférieur à la moitié du maximum prévu audit alinéa dans les cas où il apparaît clairement que l'autorisation devait être demandée. A défaut de ce versement, la Haute Autorité applique les mesures prévues ci-après en ce qui concerne les concentrations reconnues illicites.

Si une concentration vient à être réalisée, dont la Haute Autorité reconnaît qu'elle ne peut satisfaire aux conditions générales ou particulières auxquelles une autorisation au titre du paragraphe 2 serait subordonnée, elle constate par décision motivée le caractère illicite de cette concentration et, après avoir mis les intéressés en mesure de présenter leurs observations, ordonne la séparation des entreprises ou des actifs indûment réunis ou la cessation du contrôle commun, et toute autre action qu'elle estime appropriée pour rétablir l'exploitation indépendante des entreprises ou des actifs en cause et restaurer des conditions normales de concurrence. Toute personne directement intéressée peut former contre ces décisions un recours dans les conditions prévues à l'article 33. Par dérogation audit article, la Cour a pleine compétence pour apprécier si l'opération réalisée a le caractère d'une concentration au sens du paragraphe 1 du présent article et des règlements pris en application du même paragraphe. Ce recours est suspensif. Il ne peut être formé qu'une fois ordonnées les mesures ci-dessus prévues, sauf accord donné par la Haute Autorité à l'introduction d'un recours distinct contre la décision déclarant l'opération illicite.

La Haute Autorité peut, à tout moment, et sauf application éventuelle des dispositions de l'article 39, alinéa 3, prendre ou provoquer les mesures conservatoires qu'elle estime nécessaires pour sauvegarder les intérêts des entreprises concurrentes et des tiers, et à prévenir toute action susceptible de faire obstacle à l'exécution de ses décisions. Sauf décision contraire de la Cour, les recours ne suspendent pas l'application des mesures conservatoires ainsi arrêtées.

La Haute Autorité accorde aux intéressés pour exécuter ses décisions, un délai raisonnable au delà duquel elle peut imposer des astreintes journalières à concurrence de un pour mille de la valeur des droits ou actifs en cause.

En outre, à défaut par les intéressés de remplir leurs obligations, la Haute Autorité prend elle-même des mesures d'exécution et peut notamment suspendre l'exercice, dans les entreprises relevant de sa juridiction, des droits attachés aux actifs irrégulièrement acquis, provoquer la nomination par autorité de justice d'un administrateur séquestre pour ces actifs, en organiser la vente forcée dans des conditions préservant les intérêts légitimes de leurs propriétaires, annuler, à l'égard des personnes physiques ou morales ayant acquis, par l'effet de l'opération illicite, les droits ou actifs en cause, les actes, décisions, résolutions ou délibérations des organes dirigeants des entreprises soumises à un contrôle irrégulièrement établi.

La Haute Autorité est, en outre, habilitée à adresser aux États membres

intéressés les recommandations nécessaires pour obtenir, dans le cadre des législations nationales, l'exécution des mesures prévues aux alinéas précédents.

Dans l'exercice de ses pouvoirs, la Haute Autorité tient compte des droits des tiers acquis de bonne foi.

- 6. La Haute Autorité peut imposer des amendes à concurrence de:
- 3 p. 100 de la valeur des actifs acquis ou regroupés, ou devant être acquis ou regroupés, aux personnes physiques ou morales qui se seraient soustraites aux obligations prévues par le paragraphe 4;
- 10 p. 100 de la valeur des actifs acquis ou regroupés, aux personnes physiques ou morales qui se seraient soustraites aux obligations prévues par le paragraphe 1, ce maximum étant relevé, au delà du douzième mois qui suit la réalisation de l'opération, d'un vingt-quatrième par mois supplémentaire écoulé jusqu'à la constatation de l'infraction par la Haute Autorité;
- 10 p. 100 de la valeur des actifs acquis ou regroupés, ou devant être acquis ou regroupés, aux personnes physiques ou morales qui auraient obtenu ou tenté d'obtenir le bénéfice des dispositions prévues au paragraphe 2 au moyen d'informations fausses ou déformées;
- 15 p. 100 de la valeur des actifs acquis ou regroupés, aux entreprises relevant de sa juridiction qui auraient participé ou se seraient prêtées à la réalisation d'opérations contraires aux dispositions du présent article.

Un recours est ouvert devant la Cour, dans les conditions de l'article 36, au profit des personnes qui sont l'objet des sanctions prévues au présent paragraphe.

7. Si la Haute Autorité reconnaît que des entreprises publiques ou privées qui, en droit ou en fait, ont ou acquièrent, sur le marché d'un des produits relevant de sa juridiction, une position dominante qui les soustrait à une concurrence effective dans une partie importante du marché commun, utilisent cette position à des fins contraires aux objectifs du présent Traité, elle leur adresse toutes recommandations propres à obtenir que cette position ne soit pas utilisée à ces fins. A défaut d'exécution satisfaisante desdites recommandations dans un délai raisonnable, la Haute Autorité, par décisions prises en consultation avec le gouvernement intéressé, et sous les sanctions prévues respectivement aux articles 58, 59 et 64, fixe les prix et conditions de vente à appliquer par l'entreprise en cause, ou établit des programmes de fabrication ou des programmes de livraison à exécuter par elle.

CHAPITRE VII

ATTEINTES AUX CONDITIONS DE LA CONCURRENCE

Article 67

1. Toute action d'un État membre susceptible d'exercer une répercussion sensible sur les conditions de la concurrence dans les industries du charbon

ou de l'acier doit être portée à la connaissance de la Haute Autorité par le gouvernement intéressé.

2. Si une telle action est de nature, en élargissant substantiellement, autrement que par variation des rendements, les différences de coûts de production, à provoquer un déséquilibre grave, la Haute Autorité, après consultation du Comité Consultatif et du Conseil, peut prendre les mesures suivantes:

Si l'action de cet État comporte des effets dommageables pour les entreprises de charbon ou d'acier relevant de la juridiction dudit État, la Haute Autorité peut l'autoriser à leur octroyer une aide dont le montant, les conditions et la durée sont fixés en accord avec elle. Les mêmes dispositions s'appliquent en cas de variation des salaires et des conditions de travail qui auraient les mêmes effets, même si elles ne résultent pas d'une action de l'État.

Si l'action de cet État comporte des effets dommageables pour les entreprises de charbon ou d'acier relevant de la juridiction des autres États membres, la Haute Autorité lui adresse une recommandation en vue d'y remédier par les mesures qu'il estimera les plus compatibles avec son propre équilibre économique.

3. Si l'action de cet État réduit les différences de coûts de production en apportant un avantage spécial, ou en imposant des charges spéciales, aux entreprises de charbon ou d'acier relevant de sa juridiction par comparaison avec les autres industries du même pays, la Haute Autorité est habilitée, après consultation du Comité Consultatif et du Conseil, à adresser à cet État les recommandations nécessaires.

CHAPITRE VIII

Salaires et mouvements de la main-d'œuvre

Article 68

- 1. Les modes de fixation des salaires et des prestations sociales en usage dans les différents États membres ne sont pas affectés, en ce qui concerne les industries du charbon et de l'acier, par l'application du présent Traité, sous réserve des dispositions suivantes.
- 2. Lorsque la Haute Autorité reconnaît que des prix anormalement bas pratiqués dans une ou plusieurs entreprises résultent de salaires fixés par ces entreprises à un niveau anormalement bas eu égard au niveau des salaires pratiqués dans la même région, elle adresse à celles-ci, après avis du Comité Consultatif, les recommandations nécessaires. Si les salaires anormalement bas résultent des décisions gouvernementales, la Haute Autorité entre en consultation avec le gouvernement intéressé, auquel, à défaut d'accord, elle peut, après avis du Comité Consultatif, adresser une recommandation.
- 3. Lorsque la Haute Autorité reconnaît qu'une baisse des salaires, tout à

la fois entraîne une baisse du niveau de vie de la main-d'œuvre et est employée comme moyen d'ajustement économique permanent des entreprises ou de concurrence entre les entreprises, elle adresse à l'entreprise ou au gouvernement intéressé, après avis du Comité Consultatif, une recommandation en vue d'assurer, à la charge des entreprises, des avantages à la main-d'œuvre compensant cette baisse.

Cette disposition ne s'applique pas:

a) aux mesures d'ensemble appliquées par un État membre pour rétablir son équilibre extérieur, sans préjudice, dans ce dernier cas, de l'application éventuelle des dispositions prévues à l'article 67;

b) aux baisses de salaires résultant de l'application de l'échelle mobile

légalement ou contractuellement établie;

c) aux baisses de salaires provoquées par une baisse du coût de la vie;

d) aux baisses de salaires qui corrigeraient les hausses anormales antérieurement intervenues dans des circonstances exceptionnelles qui ont cessé de produire leurs effets.

4. En dehors des cas prévus en a et b au paragraphe précédent, toute baisse de salaires affectant l'ensemble ou une fraction notable de la main-d'œuvre d'une entreprise doit être notifiée à la Haute Autorité.

5. Les recommandations prévues aux paragraphes précédents ne peuvent être faites par la Haute Autorité qu'après consultation du Conseil, sauf si elles sont adressées à des entreprises qui n'atteindraient pas une importance définie par la Haute Autorité en accord avec le Conseil.

Lorsqu'une modification, dans un des États membres, des dispositions relatives au financement de la Sécurité sociale, ou des moyens de lutte contre le chômage et les effets du chômage, ou une variation des salaires produit les effets visés à l'article 67, §§ 2 et 3, la Haute Autorité est habilitée à appliquer les dispositions prévues audit article.

6. Au cas où les entreprises ne se conformeraient pas aux recommandations qui leur sont adressées en application du présent article, la Haute Autorité peut leur infliger des amendes et des astreintes à concurrence du double des économies de frais de main-d'œuvre indûment réalisées.

Article 69

- 1. Les États membres s'engagent à écarter toute restriction, fondée sur la nationalité, à l'emploi dans les industries du charbon et de l'acier, à l'égard des travailleurs nationaux d'un des États membres de qualification confirmée dans les professions du charbon et de l'acier, sous réserve des limitations qui résultent des nécessités fondamentales de santé et d'ordre public.
- 2. Pour l'application de cette disposition ils établiront une définition commune des spécialités et des conditions de qualification, détermineront d'un commun accord les limitations prévues au paragraphe précédent et

rechercheront les procédés techniques permettant la mise en contact des offres et des demandes d'emploi dans l'ensemble de la Communauté.

- 3. En outre, pour les catégories de travailleurs non prévues au paragraphe précédent et au cas où un développement de production dans l'industrie du charbon et de l'acier serait freiné par une pénurie de main-d'œuvre appropriée, ils adapteront leurs réglementations relatives à l'immigration dans la mesure nécessaire pour mettre fin à cette situation; en particulier, ils faciliteront le réemploi des travailleurs en provenance des industries du charbon et de l'acier d'autres États membres.
- 4. Ils interdiront toute discrimination dans la rémunération et les conditions de travail entre travailleurs nationaux et travailleurs immigrés, sans préjudice des mesures spéciales intéressant les travailleurs frontaliers; en particulier, ils rechercheront entre eux tous arrangements qui demeureraient nécessaires pour que les dispositions relatives à la Sécurité sociale ne fassent pas obstacle aux mouvements de main-d'œuvre.
- 5. La Haute Autorité doit orienter et faciliter l'action des États membres pour l'application des mesures prévues au présent article.
- 6. Le présent article ne porte pas atteinte aux obligations internationales des États membres.

CHAPITRE IX

TRANSPORTS

Article 70

Il est reconnu que l'établissement du marché commun rend nécessaire l'application de tarifs de transport du charbon et de l'acier de nature à offrir des conditions de prix comparables aux utilisateurs placés dans des conditions comparables.

Sont notamment interdites, pour le trafic entre les États membres, les discriminations, dans les prix et conditions de transport de toute nature, fondées sur le pays d'origine ou de destination des produits. La suppression de ces discriminations comporte en particulier l'obligation d'appliquer aux transports de charbon et d'acier, en provenance ou à destination d'un autre pays de la Communauté, les barèmes, prix et dispositions tarifaires de toute nature applicables aux transports intérieurs de la même marchandise, lorsque celle-ci emprunte le même parcours.

Les barèmes, prix et dispositions tarifaires de toute nature appliqués aux transports de charbon et d'acier à l'intérieur de chaque État membre et entre les États membres sont publiés ou portés à la connaissance de la Haute Autorité.

L'application de mesures tarifaires intérieures spéciales, dans l'intérêt d'une ou plusieurs entreprises productrices de charbon ou d'acier, est soumise à l'accord préalable de la Haute Autorité qui s'assure de leur

conformité avec les principes du présent Traité; elle peut donner un accord temporaire ou conditionnel.

Sous réserve des dispositions du présent article, ainsi que des autres dispositions du présent Traité, la politique commerciale des transports, notamment l'établissement et la modification des prix de transport tendant à assurer l'équilibre financier des entreprises de transport, restent soumis aux dispositions législatives ou réglementaires de chacun des États membres; il en est de même pour les mesures de coordination ou de concurrence entre les divers modes de transport ou entre les diverses voies d'acheminement.

CHAPITRE X

POLITIQUE COMMERCIALE

Article 71

La compétence des gouvernements des États membres en matière de politique commerciale n'est pas affectée par l'application du présent Traité, sauf dispositions contraires de celui-ci.

Les pouvoirs attribués à la Communauté par le présent Traité en matière de politique commerciale à l'égard des pays tiers ne peuvent excéder ceux qui sont reconnus aux États membres par les accords internationaux auxquels ils sont parties, sous réserve de l'application des dispositions de l'article 75.

Les gouvernements des États membres se prêtent mutuellement le concours nécessaire pour l'application des mesures reconnues par la Haute Autorité conformes au présent Traité et aux accords internationaux en vigueur. La Haute Autorité est habilitée à proposer aux États membres intéressés les méthodes par lesquelles ce concours mutuel peut être assuré.

Article 72

Des taux minima, au-dessous desquels les États membres s'engagent à ne pas abaisser leurs droits de douane sur le charbon et l'acier à l'égard des pays tiers, et des taux maxima, au-dessus desquels ils s'engagent à ne pas les élever, peuvent être fixés par décision du Conseil prise à l'unanimité sur proposition de la Haute Autorité, présentée à son initiative ou sur demande d'un État membre.

Entre les limites fixées par ladite décision, chaque gouvernement détermine ses tarifs suivant sa procédure nationale. La Haute Autorité peut, de sa propre initiative, ou à la demande d'un des États membres, émettre un avis tendant à la modification des tarifs dudit État.

Article 73

L'administration des licences d'importation et d'exportation dans les relations avec les pays tiers relève du gouvernement sur le territoire duquel

se situe le point de destination des importations ou le point d'origine des

exportations.

La Haute Autorité est habilitée à veiller sur l'administration et le contrôle desdites licences en matière de charbon et d'acier. Elle adresse, en tant que de besoin, aux États membres, après consultation du Conseil, des recommandations, tant pour éviter que les dispositions adoptées aient un caractère plus restrictif que ne l'exige la situation qui en justifie l'établissement ou le maintien, que pour assurer une coordination des mesures prises au titre de l'article 71, alinéa 3, et de l'article 74.

Article 74

Dans les cas énumérés ci-dessous, la Haute Autorité est habilitée à prendre toutes mesures conformes au présent Traité et, en particulier, aux objectifs définis à l'article 3 et à adresser aux gouvernements toutes recommandations conformes aux dispositions de l'article 71, alinéa 2:

1° si des procédés de dumping ou d'autres pratiques condamnées par la Charte de la Havane sont constatés à la charge de pays non membres de la

Communauté ou d'entreprises situées dans ces pays;

2° si une différence entre les offres faites par des entreprises échappant à la juridiction de la Communauté et par les entreprises relevant de sa juridiction est exclusivement imputable au fait que les offres des premières sont fondées sur des conditions de concurrence contraires aux dispositions du présent Traité;

3° si l'un des produits énumérés à l'article 81 du présent Traité est importé dans le territoire d'un ou plusieurs États membres en quantités relativement accrues et à des conditions telles que ces importations portent ou menacent de porter un préjudice sérieux à la production, dans le marché

commun, des produits similaires ou directement concurrents.

Toutesois des recommandations ne peuvent être sormulées en vue d'établir des restrictions quantitatives au titre du 2° ci-dessus que sur avis consorme du Conseil, et au titre 3° ci-dessus que dans les conditions prévues à l'article 58.

Article 75

Les Etats membres s'engagent à tenir la Haute Autorité informée des projets d'accords commerciaux ou d'arrangements d'effet analogue dans la mesure où ceux-ci intéressent le charbon et l'acier ou l'importation des autres matières premières et des équipements spécialisés nécessaires à la production du charbon et de l'acier dans les États membres.

Si un projet d'accord ou d'arrangement contient des clauses faisant obstacle à l'application du présent Traité, la Haute Autorité adresse les recommandations nécessaires à l'État intéressé, dans un délai de dix jours

à partir de la réception de la communication qui lui est faite; elle peut dans tout autre cas émettre des avis.

TITRE QUATRIÈME

DISPOSITIONS GÉNÉRALES

Article 76

La Communauté jouit, sur les territoires des États membres, des immunités et privilèges nécessaires pour remplir sa mission, dans les conditions définies à un Protocole annexe.

Article 77

Le siège des institutions de la Communauté sera fixé du commun accord des gouvernements des États membres.

Article 78

- 1. L'exercice financier de la Communauté s'étend du 1er juillet au 30 juin.
- 2. Les dépenses administratives de la Communauté comprennent les dépenses de la Haute Autorité, y compris celles qui sont afférentes au fonctionnement du Comité Consultatif, ainsi que celles de la Cour, du secrétariat de l'Assemblée et du secrétariat du Conseil.
- 3. Chacune des institutions de la Communauté établit un état prévisionnel de ses dépenses administratives, groupées par articles et chapitres.

Toutefois, le nombre des agents, les échelles de leurs traitements, indemnités et pensions, pour autant qu'ils n'auront pas été fixés en vertu d'une autre disposition du Traité ou d'un règlement d'exécution, ainsi que les dépenses extraordinaires, sont préalablement déterminés par une Commission groupant le président de la Cour, le président de la Haute Autorité, le président de l'Assemblée et le président du Conseil. Cette Commission est présidée par le président de la Cour.

Les états prévisionnels sont groupés dans un état prévisionnel général comportant une section spéciale pour les dépenses de chacune de ces institutions et qui est arrêté par la Commission des présidents prévue à l'alinéa précédent.

La fixation de l'état prévisionnel général vaut autorisation et obligation pour la Haute Autorité de percevoir le montant des recettes correspondantes, conformément aux dispositions de l'article 49. La Haute Autorité met les fonds prévus pour le fonctionnement de chacune des institutions à la disposition du président compétent qui peut procéder à l'engagement ou à la liquidation des dépenses.

La Commission des présidents peut autoriser des virements à l'intérieur des chapitres et de chapitre à chapitre.

- 4. L'état prévisionnel général est inclus dans le rapport annuel présenté par la Haute Autorité à l'Assemblée en vertu de l'article 17.
- 5. Si le fonctionnement de la Haute Autorité ou de la Cour l'exige, leur président peut présenter à la Commission des présidents un état prévisionnel supplémentaire, soumis aux mêmes règles que l'état prévisionnel général.
- 6. Le Conseil désigne pour trois années un commissaire aux comptes dont le mandat est renouvelable et qui exerce ses fonctions en toute indépendance. La fonction de commissaire aux comptes est incompatible avec toute autre fonction dans une institution ou un service de la Communauté.

Le commissaire aux comptes est chargé de faire annuellement un rapport sur la régularité des opérations comptables et de la gestion financière des différentes institutions. Il dresse ce rapport six mois au plus tard après la fin de l'exercice auquel le compte se rapporte et l'adresse à la Commission des présidents.

La Haute Autorité communique ce rapport à l'Assemblée en même temps que le rapport prévu à l'article 17.

Article 79

Le présent Traité est applicable aux Territoires européens des Hautes Parties Contractantes. Il s'applique également aux Territoires européens dont un Etat signataire assume les relations extérieures; en ce qui concerne la Sarre, un échange de lettres entre le Gouvernement de la République Fédérale d'Allemagne et le Gouvernement de la République Française est annexé au présent Traité.¹

Chaque Haute Partie Contractante s'engage à étendre aux autres États Membres les mesures de préférence dont Elle bénéficie, pour le charbon et l'acier, dans les Territoires non-européens soumis à sa juridiction.

Article 80

Les entreprises, au sens du présent Traité, sont celles qui exercent une activité de production dans le domaine du charbon et de l'acier à l'intérieur des territoires visés à l'article 79, premier alinéa, et, en outre, en ce qui concerne les articles 65 et 66, ainsi que les informations requises pour leur application et les recours formés à leur occasion, les entreprises ou organismes qui exercent habituellement une activité de distribution autre que la vente aux consommateurs domestiques ou à l'artisanat.

Article 81

Les expressions 'charbon' et 'acier' sont définies à l'annexe I jointe au présent Traité.²

¹ See below, p. 242.

² Not printed here. See Documentation Française, no. 1489, p. 26.

Les listes comprises dans cette annexe peuvent être complétées par le Conseil statuant à l'unanimité.

Article 82

Le chiffre d'affaires servant de base au calcul des amendes et des astreintes applicables aux entreprises en vertu du présent Traité est le chiffre d'affaires afférent aux produits soumis à la juridiction de la Haute Autorité.

Article 83

L'institution de la Communauté ne préjuge en rien le régime de propriété des entreprises soumises aux dispositions du présent Traité.

Article 84

Dans les dispositions du présent Traité, les mots 'le présent Traité' doivent être entendus comme visant les clauses du Traité et de ses annexes, des Protocoles annexes et de la Convention relative aux dispositions transitoires.

Article 85

Les mesures initiales et transitoires convenues par les Hautes Parties Contractantes en vue de permettre l'application des dispositions du présent Traité sont fixées par une Convention annexe.¹

Article 86

Les États membres s'engagent à prendre toutes mesures générales ou particulières propres à assurer l'exécution des obligations résultant des décisions et recommandations des institutions de la Communauté et à faciliter à celle-ci l'accomplissement de sa mission.

Les États membres s'engagent à s'abstenir de toute mesure incompatible

avec l'existence du marché commun visé aux articles 1 et 4.

Ils prennent, dans la mesure de leur compétence, toutes dispositions utiles pour assurer les règlements internationaux correspondant aux échanges de charbon et d'acier dans le marché commun et se prêtent un

concours mutuel pour faciliter ces règlements.

Les agents de la Haute Autorité chargés par elle de missions de contrôle disposent, sur le territoire des États membres et dans toute la mesure nécessaire à l'accomplissement de leur mission, des droits et pouvoirs dévolus par les législations de ces États aux agents des administrations fiscales. Les missions de contrôle et la qualité des agents chargés de celles-ci sont

dûment notifiées à l'État intéressé. Des agents de cet État peuvent, à la demande de celui-ci ou de la Haute Autorité, assister les agents de la Haute Autorité dans l'accomplissement de leur mission.

Article 87

Les Hautes Parties Contractantes s'engagent à ne pas se prévaloir des traités, conventions ou déclarations existant entre Elles en vue de soumettre un différend relatif à l'interprétation ou à l'application du présent Traité à un mode de règlement autre que ceux prévus par celui-ci.

Article 88

Si la Haute Autorité estime qu'un État a manqué à une des obligations qui lui incombent en vertu du présent Traité, elle constate ledit manquement par une décision motivée, après avoir mis cet État en mesure de présenter ses observations. Elle impartit à l'État en cause un délai pour pourvoir à l'exécution de son obligation.

Un recours de pleine juridiction est ouvert à cet État devant la Cour dans un délai de deux mois à compter de la notification de la décision.

Si l'État n'a pas pourvu à l'exécution de son obligation dans le délai fixé par la Haute Autorité ou, en cas de recours, si celui-ci a été rejeté, la Haute Autorité peut, sur avis conforme du Conseil statuant à la majorité des deux tiers:

- a) suspendre le versement des sommes dont elle serait redevable pour le compte de l'État en question en vertu du présent Traité;
- b) prendre ou autoriser les autres États membres à prendre des mesures dérogatoires aux dispositions de l'article 4 en vue de corriger les effets du manquement constaté.

Un recours de pleine juridiction est ouvert, dans un délai de deux mois à compter de leur notification, contre les décisions prises en application des alinéas a et b.

Si les mesures ci-dessus prévues s'avèrent inopérantes, la Haute Autorité en réfère au Conseil.

Article 89

Tout différend entre États membres au sujet de l'application du présent Traité, qui n'est pas susceptible d'être réglé par une autre procédure prévue au présent Traité, peut être soumis à la Cour, à la requête de l'un des États parties au différend.

La Cour est également compétente pour statuer sur tout différend entre États membres en connexité avec l'objet du présent Traité, si ce différend lui est soumis en vertu d'un compromis.

Article 90

Si un manquement à une obligation résultant du présent Traité commis par une entreprise constitue également un manquement à une obligation résultant pour elle de la legislation de l'État dont elle relève et si, en vertu de ladite législation, une procédure judiciaire ou administrative est engagée contre cette entreprise, l'État en question devra en aviser la Haute Autorité, qui pourra surseoir à statuer.

Si la Haute Autorité sursoit à statuer, elle est informée du déroulement de la procédure et mise en mesure de produire tous documents, expertises et témoignages pertinents. Elle sera de même informée de la décision définitive qui sera intervenue et devra tenir compte de cette décision pour la détermination de la sanction qu'elle serait éventuellement amenée à

prononcer.

Article 91

Si une entreprise n'effectue pas, dans les délais prescrits, un versement auquel elle est assujettie envers la Haute Autorité, soit en vertu d'une disposition du présent Traité ou d'un règlement d'application, soit en vertu d'une sanction pécuniaire ou d'une astreinte prononcée par la Haute Autorité, il sera loisible à celle-ci de suspendre, jusqu'à concurrence du montant de ce versement, le règlement des sommes dont elle serait ellemême redevable à ladite entreprise.

Article 92

Les décisions de la Haute Autorité comportant des obligations pécuniaires forment titre exécutoire.

L'exécution forcée sur le territoire des États membres est poursuivie suivant les voies de droit en vigueur dans chacun de ces États et après qu'aura été apposée, sans autre contrôle que celui de la vérification de l'authenticité de ces décisions, la formule exécutoire usitée dans l'État sur le territoire duquel la décision doit être exécutée. Il est pourvu à cette formalité à la diligence d'un ministre désigné à cet effet par chacun des gouvernements.

L'exécution forcée ne peut être suspendue qu'en vertu d'une décision

de la Cour.

Article 93

La Haute Autorité assure avec les Nations Unies et avec l'Organisation Européenne de Coopération Économique toutes liaisons utiles et les tient régulièrement informées de l'activité de la Communauté.

Article 94

La liaison entre les institutions de la Communauté et le Conseil de l'Europe est assurée dans les conditions prévues par un Protocole annexe.¹

Article 95

Dans tous les cas non prévus au présent Traité, dans lesquels une décision ou une recommandation de la Haute Autorité apparaît nécessaire pour réaliser, dans le fonctionnement du marché commun du charbon et de l'acier et conformément aux dispositions de l'article 5, l'un des objets de la Communauté, tels qu'ils sont définis aux articles 2, 3 et 4, cette décision ou cette recommandation peut être prise sur avis conforme du Conseil statuant à l'unanimité et après consultation du Comité Consultatif.

La même décision ou recommandation, prise dans la même forme, détermine éventuellement les sanctions applicables.

Après l'expiration de la période de transition prévue par la Convention sur les dispositions transitoires, si des difficultiés imprévues, révélées par l'expérience, dans les modalités d'application du présent Traité, ou un changement profond des conditions économiques ou techniques qui affecte directement le marché commun du charbon et de l'acier, rendent nécessaire une adaptation des règles relatives à l'exercice par la Haute Autorité des pouvoirs qui lui sont conférés, des modifications appropriées peuvent y être apportées, sans qu'elles puissent porter atteinte aux dispositions des articles 2, 3 et 4 ou au rapport des pouvoirs respectivement attribués à la Haute Autorité et aux autres institutions de la Communauté.

Ces modifications font l'objet de propositions établies en accord par la Haute Autorité et par le Conseil statuant à la majorité des cinq sixièmes de ses membres, et soumises à l'avis de la Cour. Dans son examen, la Cour a pleine compétence pour apprécier tous les éléments de fait et de droit. Si, à la suite de cet examen, la Cour reconnaît la conformité des propositions aux dispositions de l'alinéa qui précède, elles sont transmises à l'Assemblée et entrent en vigueur si elles sont approuvées à la majorité des trois quarts des voix exprimées et à la majorité des deux tiers des membres qui composent l'Assemblée.

Article 96

Après l'expiration de la période de transition, le gouvernement de chaque État membre et la Haute Autorité pourront proposer des amendements au présent Traité. Cette proposition sera soumise au Conseil. Si celui-ci émet, à la majorité des deux tiers, un avis favorable à la réunion d'une conférence des représentants des gouvernements des États membres, celle-ci est immédiatement convoquée par le président du Conseil, en vue

d'arrêter d'un commun accord les modifications à apporter aux dispositions du Traité.

Ces amendements entreront en vigueur après avoir été ratifiés par tous les États membres en conformité de leurs règles constitutionnelles respectives.

Article 97

Le présent Traité est conclu pour une durée de cinquante ans à dater de son entrée en vigueur.

Article 98

Tout État européen peut demander à adhérer au présent Traité. Il adresse sa demande au Conseil, lequel, après avoir pris l'avis de la Haute Autorité, statue à l'unanimité et fixe, également à l'unanimité, les conditions de l'adhésion. Celle-ci prend effet du jour où l'instrument d'adhésion est reçu par le gouvernement dépositaire du Traité.

Article 99

Le présent Traité sera ratifié par tous les États membres, en conformité de leurs règles constitutionnelles respectives; les instruments de ratification seront déposés auprès du gouvernement de la République Française.

Il entrera en vigueur le jour du dépôt de l'instrument de ratification de

l'Etat signataire qui procédera le dernier à cette formalité.

Au cas où tous les instruments de ratification n'auraient pas été déposés dans un délai de six mois à dater de la signature du présent Traité, les gouvernements des États ayant effectué le dépôt se concerteraient sur les mesures à prendre.

Article 100

Le présent Traité, rédigé en un seul exemplaire, sera déposé dans les archives du Gouvernement de la République Française, qui en remettra une copie certifiée conforme à chacun des gouvernements des autres États signataires.

En foi de quoi les Plénipotentiaires soussignés ont apposé leurs signa-

tures au bas du présent Traité et l'ont revêtu de leurs sceaux.

Fait à Paris, le dix-huit avril mil neuf cent cinquante-et-un.

Adenauer. PAUL VAN ZEELAND. J. MEURICE. SCHUMAN.

SFORZA.

Jos. Bech.

STIKKER.

VAN DEN BRINK.

4. Military Co-operation

(i) Official summary of the French Memorandum presented to the Paris Conference on the Pleven Plan, 15 February 1951¹

La Délégation française a remis le 15 février 1951 aux pays participant à la Conférence sur l'Armée Européenne un document de travail destiné à préciser ses suggestions initiales. Ce document constitue un guide qui permettra d'orienter la discussion. Les suggestions faites restent dans le cadre de la déclaration de M. Pleven en date du 24 octobre 1950.²

Le Gouvernement française rappelle, tout d'abord, son souci d'apporter une contribution nouvelle à l'œuvre d'unification de l'Europe, qui a déjà été affirmée par la création du Conseil de l'Europe et par l'élaboration du plan Schuman, sur le charbon et l'acier.

Il souligne que des événements mondiaux, dont aucune des Puissances participant à la Conférence ne porte la responsabilité, rendent aujourd'hui nécessaire l'examen du problème de la défense commune en Europe. A ce problème, le Gouvernement français propose d'apporter une solution visant à créer une armée de l'Europe unie, formée d'hommes issus des diverses nations européennes, réalisant autant que possible une fusion complète des éléments humains et matériels rassemblés sous une Autorité européenne unique, politique et militaire.

Nul ne peut douter que ces initiatives n'aient pour objet suprême l'établissement d'une paix durable dans le monde. La fusion des intérêts de peuples naguère opposés est pour tous une garantie que les considérations purement nationalistes et les dangers qu'elles impliquent disparaîtront pour faire face à la volonté de la communauté. L'armée européenne ne pourra être utilisée pour servir les desseins particuliers de tels ou tels des pays qui la composeront. Dans les circonstances présentes, elle constituera un élément essentiel de la protection de nations, animées par des motifs exclusivement défensifs. Elle doit, en conséquence, être considérée comme une sauvegarde par tous les États de l'Europe.

Le Gouvernement français estime que malgré les difficultés de toute nature qu'il faudra vaincre, il doit être possible de mettre en place une force européenne véritablement efficace accroissant la valeur combative des armées occidentales, sans qu'intervienne aucun retard dans l'exécution des plans du Conseil Atlantique.

Il sera indispensable, cependant, de procéder par étapes; une période de transition devra être définie. Mais le plus tôt possible une autorité militaire européenne devrait être constituée, même si, au début, ses pouvoirs sont restreints et destinés à s'élargir graduellement.

Les propositions françaises sont rangées en trois chapitres distincts:

L'Année Politique 1951, pp. 625-6.

² Documents (R.I.I.A.) for 1949-50, p. 339.

- 1° Questions militaires;
- 2º Questions politiques et institutionnelles;
- 3° Problèmes financiers.

I. — Questions Militaires

Le but final est la constitution d'une armée qui présentera, dans le cadre de l'Europe, la même unité, la même structure et la même administration qu'une armée nationale dans le cadre d'un seul pays.

Une intégration d'une telle ampleur serait impossible si l'on tentait de la réaliser immédiatement. Au contraire, si l'on respecte les étapes, elle constitue le meilleur procédé pour accroître la contribution de l'Europe à la défense atlantique, permettant en même temps à l'Allemagne de lui apporter sa part, à égalité au sein de l'Armée européenne, avec les autres nations participantes.

Le document français décrit les mesures à prendre au cours de la première étape de formation de l'Armée européenne qui comprend elle-même deux stades:

Dans le premier stade, chacun des pays participants possédant des forces nationales fera passer sous l'autorité du Commissaire européen à la Défense, les unités élémentaires qu'il mettra à la disposition de la future Armée européenne. En même temps, les unités élémentaires allemandes seront créées sous l'autorité du Commissaire européen à la Défense, suivant des modalités à déterminer.

Dans le deuxième stade, au fur et à mesure de l'unification progressive des règles administratives et des procédés d'instruction, les unités élémentaires nationales seront fusionnées en divisions européennes, assorties de formations de réserve générales et de services correspondant à leurs besoins.

Au cours de cette étape, le Commissaire européen à la Défense devra, d'une part, contrôler le recrutement, l'instruction élémentaire et assurer l'administration des contingents de l'Armée européenne; d'autre part, assurer et maintenir la mise en condition des unités européennes placées sous l'autorité opérationnelle du Commandement Atlantique.

Ces pouvoirs du Commissaire européen à la Défense se développeraient suivant un plan progressif.

L'unité élémentaire de la division européenne serait le 'groupement de combat'.

Le document français précise, en outre, les rapports du Commissaire européen à la Défense avec les organisations territoriales nationales, les conditions du recrutement, de l'instruction, de l'équipement et de l'administration de l'Armée européenne.

Au cours de la seconde étape, des progrès nouveaux seraient réalisés dans l'unification recherchée, l'importance des armées nationales par rapport à

l'Armée européenne irait en diminuant de telle sorte que, peu à peu, le Commissaire européen deviendrait un véritable Ministre européen de la Défense.

II. — QUESTIONS POLITIQUES

Le Gouvernement français estime que la réalisation d'un tel programme exige la constitution progressive d'une Autorité qui serait dotée de pouvoirs propres à lui permettre d'assurer l'organisation, l'entretien et l'administration de l'Armée européenne. Les institutions qu'il envisagerait, pour sa

part, comporteraient notamment:

a) un Commissaire européen à la Défense, qui serait désigné, dans des conditions et pour un temps à déterminer, exclusivement en raison de sa compétence et de telle sorte que soit garantie son indépendance. Le Commissaire européen, agissant en coopération avec un Conseil des Ministres, aurait la responsabilité d'atteindre les objectifs qui seront prévus dans le Traité constituant l'Armée européenne. Il disposerait de collaborateurs lui permettant de surveiller l'exécution, par les Administrations nationales, des décisions prises. Il prendrait des décisions, formulerait des recommandations ou émettrait des avis. Le champ d'application de sa mission, et notamment, les cas où il serait habilité à prendre lui-même des décisions, s'accroîtraient au fur et à mesure que seraient franchies les diverses étapes de la formation de l'Armée européenne, et dans des conditions à préciser par la Conférence;

b) un Conseil de Ministres, qui serait composé de membres des Gouvernements des Etats participants et qui collaborerait constamment avec le Commissaire par des consultations réciproques. Dans certains domaines, à déterminer par la Conférence, il émettrait des directives générales aux-

quelles le Commissaire à la Défense devrait se conformer;

c) une Assemblée commune, qui exercerait un contrôle démocratique sur le Commissaire à la Défense. Elle serait constituée de représentants des nations participantes, recevrait chaque année le rapport du Commissaire sur son activité et pourrait, par un vote de censure, provoquer la démission de celui-ci. Elle assurerait dans des conditions à déterminer par la Conférence, des fonctions de contrôle financier sur la gestion du budget commun, envisagé ci-dessous.

III. — Questions Financières

Il est évident que les mécanismes financiers ne pourront être mis au point que lorsque les institutions seront créées sur les plans politique et militaire. Toutesois, certaines idées générales importantes peuvent déjà être dégagées:

En premier lieu, à l'existence d'une Armée européenne devrait corre-

spondre celle d'un budget commun.

Ce budget commun serait alimenté en recettes par les contributions des États membres. On devrait examiner si, et à quel stade de la création de l'Armée européenne, le budget commun devrait être utilisé comme instrument de répartition des charges entre les pays participants.

En dépenses, le contenu du budget évoluerait suivant les stades successifs envisagés pour la constitution de l'Armée européenne. Au début, et alors que les unités européennes ne seraient pas encore constituées, les dépenses inscrites au budget commun seraient limitées au fonctionnement des institutions politiques communes. Plus tard, figureraient au budget les dépenses de recrutement, d'instruction et d'entretien des troupes européennes.

Quant aux problèmes de transfert, ils ne pourraient prendre de l'importance qu'à partir du moment où les effectifs deviendraient nombreux et seraient stationnés hors du territoire national de la plupart des États participants.

(ii) Statement issued by the French Ministry of Foreign Affairs regarding the Washington talks and the recruiting of German contingents, 15 September 1951¹

Certaines dépêches de Washington ont annoncé que M. Robert Schuman, à la conférence des Trois, avait accepté la levée immédiate de contingents allemands sous l'autorité de l'organisation atlantique.

Ces informations sont contraires à la vérité. La levée immédiate de contingents allemands n'a été ni acceptée ni demandée par aucun des participants.

Le principe fondamental demeure qu'il ne pourra exister à aucun moment, selon l'expression du président Robert Schuman, même un embryon d'armée nationale allemande.

Le recrutement des effectifs allemands commencera donc dès que les organismes de la communauté européenne de défense auront été mis en place, mais seulement à ce moment-là: on pourrait avoir recours aux organismes du S.H.A.P.E. et à ses commandements subordonnés uniquement dans la période située entre le moment où les organismes de la communauté européenne de défense auront été mis en place et celui où ils seront en mesure d'assurer toutes leurs responsabilités.

(iii) Extracts from General Eisenhower's address to the North Atlantic Council on the defence of Western Europe, Rome, 26 November 1951²

It seems appropriate to consider, briefly, how history will look at us; for we cannot escape the consequences of our own words and acts. I believe

¹ Le Monde, 15 September 1951. For the communiqué issued after the conference in Washington see above, p. 133.

² New York Herald Tribune, 5 December 1951.

that if we now allow the influences of traditionalism, cautious approach, calculations as to what is politically feasible, and if we are burdened too much by the other deterrent influences that affect man-if we allow the influences to keep us from positive and direct action, there will be nothing in history about us and the organization we represent. We will be nothing more than a feeble ripple, washed away and forgotten. But if the problems that you men have taken upon your shoulders are met with courage and fortitude and confidence; if each in his own niche can perform the tasks of leadership that have fallen to his lot to perform, then there will be no monument in history capable really of typifying the grandeur of your accomplishment. You are not trying to lead any captives in chains down the streets of any NATO city. You are seeking no triumph, except the triumph of giving free men the right and opportunity to live as they desire. On the shield that each SHAPE man wears appears the motto: 'Vigilance is the price of liberty.' There is another text that we observe in SHAPE. It is a text spoken by the Prince of Peace. It runs: 'When a strong man, armed, keepeth his palace, his goods are in peace.' In our case the man is twelve nations. . . .

We are engaged in producing the military portion of the strong man's strength, so that he may be sufficiently armed to allow his goods to remain in peace. We are producing, forging and sharpening the instruments that we require.

There has been much talk of '52 goals, '53 goals, '54 goals, and so on, and I must say to you gentlemen that inflexible dates leave me cold. While such figures and dates are necessary for purposes of planning and putting appropriate sums in the national budgets in order to obtain what we need, our real objective is to gain for our people at the earliest possible moment the tranquility of mind, the peace and confident security to which they are entitled. In that sense there is no time to waste.

Why should we sit here and wonder whether or not we are going to be attacked? We are free people. We know our right, we know our strength. In direct comparison with the dictatorship that has announced its implacable hostility to our way of life, there is only one thing in which we are inferior. This is the unity, in his case achieved by a pistol in the back.

Free men don't have to use such methods. But we must, each of us, see that the enlightened self-interest of each of our countries is served by the progress we make in producing collective security. It is stated in one of the founding documents in my own country that governments are established among men for certain purposes, one of which is to provide for the common security. We have come to realize that in the face of powerful, ruthless threats posed by dictatorship, there is no longer a possibility that any one nation may by itself produce the necessary security for its own people. Thus, whether we like it or not, our ancient idea of sovereignty

has been impinged upon and modified by world conditions. But this does not mean that the cure is necessarily in conceding sovereignty to any group or supra-national structure, but certainly it does indicate a pooling of a portion of our sovereignty, and by pooling, regain the strength to perform for each of us one of the functions for which each government was set up. So, I say, as we proceed toward this goal, let us not delude ourselves with repetitions of dates and years, be it '53, '54, or any other. The target is there. It is something of a reasonable nature, but changing daily with new scientific appliances that come up to the battlefield. Every kind of influence that affects warfare will affect our problem and our list of requirements.

So let us by no means delay objectives that should be obtained now. Neither should we, on the other hand, so badly co-ordinate our military progress with economic capacity that we destroy both. This describes, partially, the problem for which you have set up the Temporary Council Committee. And I submit again that if our hearts, if our determination, if our qualities of leadership are equal to the task, then the economic limitations will not be nearly so rigid as we may first judge them to be. Morale can help here.

In these modern and sophisticated times, we have come to think of morale as something that you purchase materially. We seem to believe that morale and confidence and courage are produced by a full stomach, warm clothing, and a roof over the head—by a standard of living. A reasonable and endurable status in this regard is, of course, necessary to life itself; but true morale is likewise produced by direct appeal to the heart of man. Let us make no mistake about it. Now I am going to talk a little bit about a favorite subject of mine. It is also a favorite subject of several of my friends at this table; in fact, of practically every one to whom I have talked in Europe. It is the idea of European unity. The advantages to be gained by us through unification of Europe are so great that I have never found any one to quarrel with the abstraction, the statement of the principle. But I should like to have it distinctly understood that when I talk about advantages to be gained by a complete unity that may not be immediately within our grasp. I am not setting up any alibi for any one failing to do his best today. We must continue, urgently, to march forward with what we have, and make the best of it....

I do not need to recite to such a body as this the great advantages that would come to us through unification of Western Europe, unification in its economy, its military systems, finally its political organisms. Under such conditions we would no longer have the job of trying to determine what each nation would have; we would have Mr. Monnet's true concept of a single balanced force for the whole. No nation would have to keep, for prestige purposes alone, particular units, officers, organizations, or

services. All this you can easily comprehend. But even as we long for such a great advance, I assure you that under the programs now in hand we can, in Western Europe, erect a defense that can at least, although expensively and uneasily, produce a stalemate. But that is not good enough. As my chief of staff pointed out to you we need depth to our defensive position; we need German assistance, both in geography and in military strength, if these can be obtained with justice and respect to them and to ourselves.

It is because of reasons, of which the ones I have given are only a few, that I have come to believe that we should have a European Defense Force. But merely because I believe we must have a European Defense Force does not mean that I am stopping for one instant my efforts to co-operate with every one of the chiefs of staff in all our countries to produce, now, what they can as effective national forces.

But if we can go ahead with the European Defense Force, gaining German strength without creating a menace to any others and in such a way that the Germans could co-operate with self-respect, our goals will become much more readily obtainable. Here I must say one word about the German position. We cannot have mere hirelings and expect them to operate efficiently. NATO has no use for soldiers representing second-rate morale or a second-rate country. German help will be tremendously important as it is freely given; and it can be so given, I believe, through a European Defense Force.

This European Force would serve another great purpose—it would stand alongside the Schuman plan—which must be successful—and the two would constitute great steps toward the goal of complete European unity.

Just as European unity is important to all of us, there is nothing more important to the entire NATO organization than an underlying unity among all of us based upon a clear comprehension of the facts at issue. It is not enough that we here around this table agree on essentials. It is not enough that all of our governments agree. The important thing is that the populations standing behind those governments must agree. Our peoples must understand that, for each nation, the concept of collective security by co-operation must be successful or there is no acceptable alternative for any of us. All of us must understand that the task we have set for ourselves can be done because of our great resources and our determination and skill. All of us must understand that this task must take first priority over and above all else except only that of assuring acceptable levels of living in our own countries. Unless this kind of information is gotten out and understood, we are victims first of our own laziness, our own failures as leaders, and secondly, we are victims of Soviet propaganda, because they will, in all cases, assert the contrary. They will assert that we are trying

to get together to launch a great invasion, when they well know that the entire aggregate of the forces we are talking about have no power to launch any attack across Europe. All soldiers know that it is an entirely different thing to establish a military stalemate in Western Europe on the one hand, and, on the other, to conduct an offensive. The Soviet general staff is completely capable of understanding this. . . .

During this past year, NATO has marshaled and organized under competent commanders and splendid staffs, such troops as we have. I believe they could already give a gallant account of themselves if attacked, even though we are far too weak to provide the assured safety that we require. I might stop to observe that when your self-preservation demands the accomplishment of a job there is nothing that is impossible. The impossible then merely becomes a difficulty, something to be solved and something to be done. You don't give up when your life is at stake. So, even now, our troops are not helpless. There was a famous old cavalry general in my country who once had a part of his force surrounded by overwhelming numbers. A message came through to him describing the terrible situation, and the query was, 'What shall we do?' The commander, who was a bit illiterate, sent back 'Fight 'em' and he spelled the message 'Fitem'. Now, if the balloon goes up today what we are going to do is fight, make no mistake about it. All of us would be doing the same.

I repeat that aside from their immediately available and disposable military force, the only attribute in which the Soviets have a temporary advantage over us is in their unity. And that unity has one defect. In time of crisis—when the fear of the machine gun behind the lines loses its relative importance because of the danger in front—that kind of unity begins to fall apart. What we must do is to produce throughout our countries the certainty, the knowledge that we can voluntarily build a unity that will win and secure the peace. . . .

(iv) Extract from a speech in the House of Commons by the Prime Minister, Mr. Winston Churchill, 6 December 19511

Coming now to more controversial topics, I do not feel there ought to be any great difference between us about the European Army. We are, I believe, most of us agreed that there should be a European Army and that Germany must take an honourable place in it. When I proposed this at Strasbourg 18 months ago I said—perhaps I may be permitted to quote myself when I find it convenient—

'I am very glad that the Germans amid their own problems have come here to share our perils and augment our strength. They ought to have been here a year ago. A year has been wasted, but still it is not too late. There is no revival of Europe, no safety or freedom for any of us except in standing together

¹ H.C. Deb. 5th ser. vol. 494, coll. 2594-6.

united and unflinching. I ask this Assembly to assure our German friends that if they throw in their lot with us we shall hold their safety and freedom as sacred as our own.'

This assurance has now been formally given by the Allied Governments. I went on:

'There must be created, and in the shortest possible time, a real defensive front in Europe. Great Britain and the United Nations must send large forces to the Continent. France must again revive her famous Army. We welcome our Italian comrades. All—Greece, Turkey, Holland, Belgium, Luxemburg, the Scandinavian States—must bear their share and do their best.'

We seem to have made good progress since then. General Eisenhower is in supreme command on the Continent. All the Powers mentioned have contributed, or are contributing, or are about to contribute, contingents and many of their contingents are growing. The front is not covered yet. The potential aggressor has a vast superiority of numbers. Nevertheless, the gathering of our deterrents has been continued. As things have developed, my own ideas have always been as follows. There is the N.A.T.O. Army. Inside the N.A.T.O. Army there is the European Army, and inside the European Army there is the German Army. The European Army should be formed by all the European parties to N.A.T.O. dedicating from their own national armies their quota of divisions to the Army or Armies now under General Eisenhower's command.

At Strasbourg in 1950 the Germans did not press for a national army. On the contrary, they declared themselves ready to join a European Army without having a national army. Dr. Adenauer has renewed to us this assurance, and that is still the German position and their preference—no national army. This is a very great and helpful fact which we must all take into consideration. The size and strength of any German army, whether contingent or otherwise, and its manufacture of weapons, would in any case have to be agreed between the Allied Powers concerned. There, in short, is the policy which I have always advocated and which I am very glad to find is steadily going forward.

Difficulties have, however, arisen about the texture of the European Army. Should it be an amalgam of the European nations divested of all national characteristics and traditions, or should it be composed of elements essentially national but woven together by alliance, common organisation and unified command? On this point the discussions have at times assumed an almost metaphysical character, and the logic of continental minds has produced a scheme for what is called the European Defence Community. That is, at least, an enlightened if not an inspiring title. The European Defence Force, which is to be a vital element in the defence

of Western Europe, will be closely and effectively associated with the British Forces which constitute another element in the same defence system through their common allegiance to N.A.T.O.

The European Defence Community has not yet taken its final shape. The Paris Conference has been sitting for nine months, and it is now on the point of producing its Report. I am sorry the late Government did not send a delegation to this Conference instead of only an observer. The technical discussions have proceeded smoothly and in great detail, and at last the far-reaching political issues which have been raised and which surround the military questions have been reached. We do not know how these will be settled, and we have had no voice or share in the long argument. As soon as the Conference reaches its final conclusions we shall consider the way to establish the most effective form of association with the resultant organisations. In this way a European Army, containing a German contribution of agreed size and strength, will stand alongside the British and United States Armies in a common defensive front. That, after all, is what really matters to the life or death of the free world.

As far as Britain is concerned, we do not propose to merge in the European Army but we are already joined to it. Our troops are on the spot, and we shall do our utmost to make a worthy and effective contribution to the deterrents against aggression and to the causes of freedom and democracy which we seek to serve. These matters will, of course, require to be further discussed as the weeks pass by, and we shall probably know much more about what is the decision taken on the Continent than we can attempt to anticipate and imagine at this moment.

(v) Communiqué issued after the Six-Power Conference on a European Army, Paris, 30 December 1951¹

The Foreign Ministers of the six countries represented at the conference for the organization of a European defence community met in Paris from December 27 to 30 to pursue the discussion which began at Strasbourg on November 11. The Finance and Defence Ministers took part in these conversations.

The problems reserved for the decision of the Ministers by the conference of experts have been examined and, particularly, the institutional, military, and financial questions. The Ministers agreed that the setting up of a European defence community constituted a step towards the unification of Europe, such unification remaining one of the essential objectives of their Governments.

In accordance with the suggestion made during their last meeting at Strasbourg by Signor De Gasperi, they decided to entrust to the Assembly envisaged in the European defence community the task of studying the creation of a European organization of a federal or confederal character which would take the place, when the time came, of the organization embodied in this treaty. For this purpose the Assembly of the European defence community will, within six months of the treaty coming into force, make proposals to the six Governments, which, three months later, will call an international conference to examine them.

In accordance with the proposal of Dr. Stikker, the Governments, on their side, as soon as the treaty has come into force, will take joint measures to facilitate the realization of these aims. The Ministers have agreed that the institution of the European defence community would include an executive authority on a collegiate basis, an Assembly, a Council of Ministers, and a court of justice.

The conference agreed on the principle of a common budget for the community, but left over for further examination the details and method of the transformation of national budgets into a common defence budget.

Finally, agreement was reached on most of the problems concerning the integration and composition of the defence forces. Thus, the Ministers have noted that on the fundamental points referred to them by the experts an agreement was reached which will make possible the continuation of the work of the experts' conference.

Another meeting of the Ministers was decided. It will take place in January.

5. The Saar

(i) Extract from a speech by Dr. Adenauer on his conversations with M. Schuman regarding the Saar, 16 January 1950¹

In the course of these talks a certain amount of trouble was caused by the initiative of the Saar government. In my opinion the Saar problem, the problem of how to regulate political and economic affairs in that region, was pushed into the forefront of our public talks by the Saar government itself. I have in mind the press conference which the Prime Minister of the Saar, Herr Hoffmann, thought good to hold just before the opening of the talks between M. Schuman and myself and other German politicians.

I did not welcome the prominence which was thus given to the Saar problem in our discussions, for I do not myself consider that the time is ripe to reach a decision on this matter. I should prefer that a final decision should be postponed till such time as relations between France and Germany are on a more normal footing. I am absolutely convinced that it will be perfectly possible to solve this question in a manner satisfactory

¹ Translated from Neue Zeitung, 17 January 1950.

to France, Germany and the Saar itself, within the framework of a European Union and that it would be injurious to the conception of European unity to attempt to reach a solution now. I do not know what motives impelled the government of the Saar, or its Prime Minister, to raise the matter so urgently at this moment, but I might hazard a guess. It may be that it was the very idea of Germany entering the European Union which prompted the government of the Saar, or its representative, the Prime Minister, to make such attempt as he could, to force a final settlement before this could come about.

One point raised by Herr Hoffmann, the Prime Minister, at his press conference was that, since the peace treaty had been postponed to a far distant future, it was essential to regularise conditions in the Saar now. This again would seem to indicate that his intention is to present the world with an accomplished fact in the Saar, and I believe that the French government would be acting in contradiction to their previous attitude in giving way to such a demand.

It is easy to begin and very hard to know where to stop, and the French government should bear this in mind, before accepting any such suggestion. For if they once depart from the principle that the peace treaty will settle everything, the effect on Germany may be such as no man can foresee. I hope most fervently, therefore, that the people of the Saar will take measures to ensure that nothing of the sort happens. For some time now I have made a point of holding no communication with anyone resident in the Saar, in order to avoid even the shadow of suspicion that I desired or favoured any 'underground' activity there. All the same many appeals have reached us from the Saar itself. It is now for the people of the Saar to watch what their government is doing.

On the question of the Saar mines I have this to say. It seems—though I am not certain about this—that the Saar government wishes the sequestrated mines to be assigned to them, and that they are prepared to lease these mines to France for fifty years in return for a royalty on each ton of coal delivered. In order to judge the significance of this arrangement rightly, it must be remembered that by and large the mines are the only wealth this district possesses. 35% of the population of the Saar is employed in the mines, so that to lease the mines to France for fifty years would be to rob the Saar of almost every vestige of independence. I would like to add that in 1948 the Saar produced approximately 10 million tons of coal: of this the Saar district itself used 3.9 million tons, France received 1.6 million tons and Germany 4.5 million tons, or nearly half the total production. It is clear therefore that the Saar must look to Germany as the principal market for its most important product.

The legal position, which is surely of considerable importance, is this. Until 1918 the Saar mines belonged to the Prussian state. Under the

Versailles Treaty they were assigned to France for fifteen years, that is, until the plebiscite of 1935. The plebiscite resulted in an overwhelming majority for Germany, and the German government of the time purchased the mines from France for a sum of 900,000,000 francs.

With the exception of a sum of 40,000,000 francs, this entire amount was received by the French government. The sum of 40,000,000 francs remained outstanding, because a part of the purchase price was to be paid in coal, and France's requirements of coal fell short by that amount.

The German government amalgamated the mines into a single company, of which all the shares were held by the government. When Germany collapsed, and Allied Law 52 was promulgated, the Saar mines were seized, as was all other property of the German State, and sequestrated. Then came the Occupation Statute. According to this statute, all property formerly owned by the German State is now the property of the German Federal Republic. This statute was approved by the governments of the U.S.A., the United Kingdom and France. It would seem, therefore, that the Saar mines are the property of the German Federal Republic.

I should have thought it was quite out of the question that any decision on what virtually amounts to the sale of the Saar mines should be reached without consultation with the legal owners, the German Federal Republic. These are the facts of the economic and legal position, as it stands today, and they are facts which cannot be overlooked.

This is all very interesting, and perhaps even of great value to certain powerful people in the Saar. To my mind the paramount matter for all of us, for England, Germany, France, Holland, Italy and the rest, is the European question, and the future of Europe must not be jeopardised by the solution of the Saar problem.

It must occur to every good European, as it does to me, that the ideas and considerations which govern the Ruhr Statute might be applied to the Saar and even to the iron and steel of Lorraine. I am no expert in these matters. As a politician I will only say that nothing would please me better. The Marshall Plan demands that purely national considerations should be subordinated to those concerning Europe as a whole. It is my fervent wish that the European interests should remain paramount.

I should be extremely sorry if this expression of my opinions on the Saar should have any anti-German repercussions in France. We in Germany realise—as must the French—that there are still many obstacles to surmount. These cannot be overcome all in a moment, but if there is goodwill on both sides, together with the conviction that the interests of Europe stand above those of individual countries, then I am certain that German-French understanding will not be impaired.

¹ Military Government Law No. 52 on the Blocking and Control of Property, 24 August 1945: Military Gazette, British Sector of Berlin, no. 2, pp. 46–48.

(ii) Exchange of letters between the French High Commissioner in Germany, M. André François-Poncet, and Dr. Adenauer regarding a speech made by the Federal Minister of Justice, Dr. Thomas Dehler, on 22 January 1950¹

(a) M. François-Poncet's letter

Monsieur le chancelier,

J'ai l'honneur de me plaindre auprès de vous de l'attitude du ministre fédéral de la justice, le docteur Thomas Dehler.

Le docteur Dehler avait récemment fait devant le Bundestag, au sujet des criminels de guerre allemands qui sont encore détenus en France, des déclarations contraires à la vérité, en contradiction formelle avec les indications précises que je vous avais fournies peu de temps auparavant à votre propre demande.

Le docteur Dehler m'avait promis une rectification publique. Je n'ai

pas connaissance qu'il ait tenu sa promesse.

Parlant hier à Hambourg en présence du vice-chancelier,² le docteur Dehler s'est élevé contre la légende de l'agression allemande (Frankfurter Rundschau) en des termes que l'agence D.P.A. rapporte comme suit:

'Nous avons le droit', a déclaré le docteur Dehler, 'de réfuter la thèse suivant laquelle l'Allemagne aurait eu une responsabilité prédominante

dans la première guerre mondiale.

'La responsabilité de l'Allemagne n'était pas plus grande que celle de la France, qui n'a pas suffisamment retenu l'Autriche et la Russie, qui voulaient la guerre. Le moment est également venu de dire que l'Allemagne n'est pas seule responsable du phénomène hitlérien. Hitler a été dans une large mesure une conséquence du traité de Versailles, et avant tout de la pusillanimité de la France, qui croyait que la seule solution de la question européenne était de ne pas laisser l'Allemagne se relever, de lui imposer une ceinture de sécurité et de fermer la voie de l'Allemagne aux Allemands d'Autriche et de Bohême.'

De telles paroles dans la bouche d'un ministre fédéral ont un caractère profondément choquant. Elles tendent en effet, dans une déformation flagrante de l'histoire, à imputer à la France la responsabilité de la première guerre mondiale, alors que les actes établissent que son gouvernement a jusqu'à la dernière minute déployé tous ses efforts pour en empêcher l'explosion. Elles tendent d'autre part, dans une même déformation de la vérité, à justifier aux dépens de la France la politique d'Adolf Hitler.

On n'avait jusqu'ici rencontré pareilles allégations que dans les milieux les plus nationalistes et les plus ouvertement antifrançais. On ne croyait pas qu'elles puissent être proférées par un des ministres d'un gouverne-

² Dr. Franz Blücher.

ment qui se dit attaché à réaliser l'apaisement des esprits et la réconciliation au sein d'une Europe occidentale organisée des peuples français et allemand; en fournissant au régime hitlérien une sorte d'excuse rétrospective le docteur Dehler semble avoir oublié les crimes qu'a commis ce régime. On aurait attendu plus d'équité de la part d'un ministre de la justice.

Veuillez agréer, monsieur le chancelier, l'assurance de ma haute considération.

Signé: François-Poncet.

(b) Dr. Adenauer's reply

Monsieur l'ambassadeur,

J'ai l'honneur d'accuser réception de votre lettre du 25 janvier, dans laquelle vous prenez position à l'égard de certaines déclarations faites par M. Dehler, ministre fédéral de la justice, à l'occasion d'une réunion politique de son parti à Hambourg. Ces déclarations ont fait aujourd'hui l'objet d'un examen approfondi de la part du cabinet fédéral. A l'issue de cet examen le gouvernement a pris à l'unanimité une décision que je joins, en annexe, à la présente lettre. Le ministre Dehler m'a déclaré que les comptes rerdus de son discours de Hambourg publiés par les journaux ont donné lieu, en raison de leur caractère résumé, à des malentendus sur des points essentiels; avant tout il n'a eu en aucune façon l'intention d'attaquer la France; bien au contraire il se serait expressément prononcé, dans son discours de Hambourg, en faveur d'un resserrement de l'entente franco-allemande et du développement de la coopération européenne.

Permettez-moi, monsieur l'ambassadeur, de saisir l'occasion qui m'est ainsi offerte pour vous exprimer mes regrets de ce que certains passages de ce discours aient pu donner lieu à des interprétations qui, comme l'a assuré le docteur Dehler d'une manière que je ne puis mettre en doute, ne correspondent pas à ses convictions politiques. Le ministre Dehler s'est déclaré prêt à se tenir personnellement à votre disposition en vue d'un entretien au cours duquel il vous exposera par le détail les termes dont les répercussions ont été au plus haut point regrettables.

Je souligne enfin que le gouvernement fédéral et moi-même, en mon nom personnel, refusons expressément, ainsi qu'il ressort également de la motion ci-jointe adoptée par le cabinet, de nous associer aux déclarations du docteur Dehler telles qu'elles ont été publiées par l'agence D.P.A.

Veuillez agréer, monsieur l'ambassadeur, l'expression de ma considération la plus distinguée.

Signé: Adenauer.

¹ Not printed here. See Manchester Guardian, 25 January 1950.

(iii) The Franco-Saar Conventions of 3 March 19501

(a) General convention²

Le gouvernement de la République française d'une part,

Le Gouvernement de la Sarre d'autre part,

En vue d'assurer la mise en œuvre des principes posés dans le préambule de la Constitution de la Sarre, sont convenus des dispositions suivantes:

Article premier

La Sarre est autonome en matière législative, administrative et juridictionnelle.

Cette autonomie est exercée dans le cadre de sa Constitution, y compris le préambule, et des conventions conclues entre la Sarre et la France.

Article 2

Le représentant de la France en Sarre dispose du pouvoir réglementaire pour assurer l'application en Sarre de la législation monétaire et douanière française. Ce pouvoir s'exerce au moyen d'ordonnances et arrêtés publiés au Bulletin Officiel de la Sarre.

Article 3

Le représentant de la France en Sarre ne peut former d'opposition contre les textes législatifs ou réglementaires sarrois que si les mesures projetées:

risquent de compromettre l'union monétaire et douanière;
ou méconnaissent une obligation internationale de la Sarre;

— ou sont de nature à porter atteinte à l'indépendance politique de la Sarre ou à sa sécurité extérieure.

La procédure d'opposition est déterminée par un protocole annexé à la présente Convention.

Article 4

Les autorités sarroises peuvent abroger par des dispositions législatives ou réglementaires le spécifiant expressément les ordonnances ou arrêtés promulgués par le représentant de la France en Sarre, antérieurement à l'entrée en vigueur de la présente Convention.

Toutesois, elles ne peuvent procéder qu'en accord avec le représentant de la France à l'abrogation ou à la modification de ceux de ces textes qui

² Ibid. pp. 3-4.

¹ Documentation Française, no. 1292, 7 March 1951. Besides the two conventions printed here there were signed conventions regarding the economic union between France and the Saar (ibid. pp. 4-5), the Saar railways (ibid. pp. 5-7), and the professional activities of nationals of each country domiciled in the other (ibid. pp. 10-15).

concernent les obligations résultant pour la Sarre de la guerre, et essentiellement des textes relatifs au blocage et au contrôle des biens, et à la démilitarisation.

Avant de procéder à l'abrogation des ordonnances et des arrêtés relatifs à la réquisition des biens, le gouvernement de la Sarre préparera, en accord avec le représentant de la France, les mesures destinées à la disposition de ce dernier et de l'autorité militaire, les locaux nécessaires au logement de leur personnel et de leurs services.

Article 5

L'octroi de la nationalité sarroise par naturalisation relève de la compétence exclusive du gouvernement de la Sarre.

Toutesois, en vue de tenir compte des conditions d'établissement des ressortissants sarrois en France, dans le cas exceptionnel de naturalisation pour services extraordinaires, en application du paragraphe 4 de l'alinéa 2 de l'article 9 de la loi du 15 juillet 1948, relative à la nationalité sarroise, modifiée par la loi du 25 juin 1949, l'attribution de la nationalité sarroise est saite en accord avec le représentant de la France en Sarre.

Article 6

Les membres de la représentation française en Sarre bénéficient des privilèges et immunités diplomatiques.

Article 7

Le maintien de l'ordre et de la tranquillité publics en Sarre incombe à la police sarroise.

La compétence de cette dernière s'étend à toutes les personnes domiciliées ou résidant en Sarre.

Toutefois, des enquêtes à l'égard des membres de l'armée française et des fonctionnaires désignés à l'article 9 ci-dessous ne peuvent être effectuées qu'en collaboration avec la police française en Sarre. En outre, les perquisitions et les arrestations concernant des membres de l'armée ou des fonctionnaires appartenant à la catégorie indiquée à l'article 9 ne peuvent avoir lieu sans consultation préalable du Procureur général français près la Cour d'Appel de la Sarre.

Dans les affaires concernant des fonctionnaires français figurant sur une liste établie par le représentant de la France, le Procureur général français près la Cour d'Appel de la Sarre peut saisir la police française en Sarre. A ce moment, l'enquête a lieu en collaboration avec la police sarroise.

Ces dispositions ne touchent pas au droit de la police sarroise d'intervenir contre des personnes prises en flagrant délit.

La surveillance des frontières de la Sarre est assurée dans les conditions

fixées par l'accord intervenu entre les deux gouvernements à la date du

31 décembre 1949.

L'Administration française des douanes et les administrations françaises compétentes demeurent chargées de l'application en Sarre, dans les mêmes conditions qu'en France, des lois et règlements douaniers français ainsi que des lois et des règlements énumérés aux articles 1 et 3 de la Convention fiscale et budgétaire franco-sarroise; les autorités sarroises apportent leur concours à l'administration française pour l'exécution de ces dispositions.

Pour la répression des crimes et délits, lorsque cette répression nécessite la poursuite d'une enquête tant en Sarre qu'en France et à l'étranger, la

police sarroise peut faire appel à la police française.

Article 8

La force armée ne peut être employée pour le maintien de l'ordre public que sur la demande ou avec le consentement du gouvernement de la Sarre.

Article 9

Pour la poursuite des crimes et délits contre la sécurité extérieure de la France ou des troupes françaises stationnées en Sarre, en application de l'article 31 de la Convention d'Aide Mutuelle Judiciaire, le gouvernement de la République française peut maintenir en Sarre des fonctionnaires qui sont tenus d'informer aussitôt les services compétents sarrois des arrestations et perquisitions auxquelles ils ont procédé.

Cependant, les arrestations et perquisitions en ce qui concerne les ressortissants sarrois ne peuvent être effectuées qu'en présence de fonctionnaires de la police sarroise, à l'exception des cas où un péril imminent

menace les intérêts de la défense nationale.

Article 10

L'état de siège ne peut être proclamé en Sarre qu'en cas d'événements de nature à porter atteinte à la sécurité extérieure de ce pays ou de la République française et notamment en cas de guerre ou en cas de danger imminent pour l'indepéndance de la Sarre.

La déclaration d'état de siège est faite par ordonnance du représentant de la République française après consultation du gouvernement de la

Sarre.

Article 11

Conformément à la Constitution de la Sarre, la représentation de la Sarre à l'étranger et la défense de ses intérêts sont assurées par la République française.

Il est établi à Paris une représentation du gouvernement de la Sarre, dont les membres bénéficient des privilèges et immunités diplomatiques.

Des fonctionnaires sarrois sont admis à exercer des fonctions dans les postes consulaires français situés dans les pays où la Sarre possède des intérêts d'une certaine importance. Ces fonctionnaires sont nommés par le gouvernement de la Sarre après agrément du gouvernement de la République française; ils ont un statut analogue à celui des fonctionnaires français de même rang. Le nombre de ces fonctionnaires sarrois, les postes consulaires où ils exercent leur activités, leur rang, leurs fonctions, la manière dont ils peuvent correspondre avec les autorités sarroises, sont fixés, d'un commun accord, par les deux gouvernements.

Les attributions exercées du fait de la représentation par la France des intérêts de la Sarre à l'étranger par les consuls français feront l'objet d'instructions concertées entre les deux gouvernements et adressées aux postes consulaires français par les soins du gouvernement français.

Le gouvernement français examinera ultérieurement avec bienveillance les demandes qui pourraient lui être présentées en vue d'admettre, à titre de conseiller, des fonctionnaires sarrois qui seraient adjoints aux fonctionnaires français accomplissant des tâches spécialisées dans des pays étrangers où la Sarre posséderait des intérêts d'une certaine importance.

Article 12

Si un différend relatif à l'interprétation ou à l'application de la présente Convention s'élève entre les deux gouvernements, ceux-ci, à la demande de l'un ou l'autre d'entre eux, procéderont à un examen commun du litige.

Article 13

La présente Convention sera rédigée en français et en allemand, le texte français faisant foi. Elle entrera en vigueur dès qu'elle aura été publiée dans les deux pays.

En foi de quoi, les plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leur sceau.

Fait à Paris, en double exemplaire, le 3 mars 1950.

(b) Convention on the Saar Mines1

Le gouvernement de la République française d'une part,

Le gouvernement de la Sarre d'autre part,

Considérant que la Sarre est fondée à recevoir la propriété des mines de charbon situées sur son territoire et que le gouvernement de la République française s'engage à appuyer les justes revendications de la Sarre sur cette propriété lors du règlement de paix avec l'Allemagne;

Considérant que, en attendant la conclusion de ce règlement de paix,

¹ Documentation Française, no. 1292, 7 March 1950, pp. 7-10.

et sous réserve de la consécration des droits de la Sarre par ledit règlement, le gouvernement de la Sarre qui exerce les droits de souveraineté sur le territoire sarrois, conformément à la Constitution du 15 décembre 1947, est habilité dès maintenant à déterminer d'un commun accord avec le gouvernement de la République française le régime d'exploitation de ces mines;

Considérant que la France, du fait de l'expérience acquise par elle dans la mise en valeur du bassin houiller sarrois, ainsi qu'en raison des avantages d'ordre technique et commercial, dont elle est en mesure de faire bénéficier les mines de la Sarre, est qualifiée pour en diriger l'exploitation;

Considérant que la mise en valeur du bassin sarrois est une œuvre de longue haleine qui ne peut être menée à bien que si le régime d'exploitation se prête à l'établissement de plans de longue durée, notamment en matière d'investissements;

Se fondant sur les considérations qui précèdent et conscients des obligations réciproques qui constituent la Charte du rattachement économique de la Sarre à la France;

Sont convenus des dispositions suivantes:

Article premier

Sans préjudice des stipulations du règlement de paix, en ce qui concerne notamment la propriété des mines de la Sarre, il est convenu de confier à l'État français la responsabilité de l'exploitation des gisements de houille en Sarre. Cette exploitation est assurée par la Régie des Mines de la Sarre.

Les gisements visés à l'alinéa précédent sont les gisements, concédés ou non, existant dans les limites du territoire sarrois.

L'exploitation est assurée à l'aide des installations minières, des industries annexes et des participations existantes et à créer.

La Régie des Mines de la Sarre a son siège à Sarrebrück. Ses conditions nouvelles de fonctionnement sont réglées par les dispositions de la présente Convention.

Article 2

La présente Convention, qui prendra effet aussitôt qu'elle aura été ratifiée par les deux parties contractantes, demeurera en vigueur jusqu'à la mise en application du règlement de paix; si la propriété des mines de charbon est, à ce moment, reconnue à la Sarre, elle sera de plein droit reconduite pour une période qui portera à cinquante ans, à compter de son entrée en vigueur, la durée d'application totale de la présente Convention.

En cours de Convention, des modifications techniques, économiques, ou sociales profondes affectant d'une façon essentielle l'exploitation des mines ou de leurs dépendances pourront être invoquées par l'une ou

l'autre des parties contractantes et faire éventuellement l'objet d'avenants à la présente Convention.

Article 3

Le gouvernement de la Sarre laisse, pour toute la durée de la Convention, à la disposition de la Régie des Mines de la Sarre, les biens corporels et incorporels gérés par la Régie des Mines de la Sarre au moment de l'entrée en vigueur de la présente Convention.

Le gouvernement de la Sarre s'engage à mettre en cours de Convention à la disposition de la Régie des Mines de la Sarre les biens corporels et incorporels lui appartenant et reconnus nécessaires à l'exploitation ou au

développement des mines et de leurs dépendances.

La Régie des Mines de la Sarre peut, d'autre part, invoquer toutes les dispositions législatives ou réglementaires en vigueur en Sarre pour occuper ou acquérir par voie d'expropriation les terrains appartenant à des tiers, utiles à l'exploitation ou au développement des mines et de leurs dépendances. La Régie des Mines de la Sarre continue de prendre en charge, au lieu et place du propriétaire, les obligations qu'elle a assumées, à ce titre, jusqu'à la date d'entrée en vigueur de la présente Convention.

Article 4

En cours de Convention, la Régie des Mines de la Sarre peut, dans le cadre d'une gestion normale, procéder sur tous les terrains visés à l'article 3 à toutes constructions, transformations, démolitions et travaux estimés utiles par elle.

Dans les mêmes conditions, elle peut donner à bail lesdits terrains ou installations, constituer sur eux tous droits réels, les céder par vente ou échange, disposer à titre onéreux ou gratuit de tous les biens meubles ou droits incorporels mis à sa disposition, en vertu de l'article 3. Tous les immeubles acquis ou édifiés en cours de contrat deviendront propriétés de la Sarre et seront inscrits comme tels au Livre Foncier. Dans le cas où l'exploitation directe d'une partie du gisement par la Régie des Mines de la Sarre s'avérerait difficile ou trop onéreuse, celle-ci peut, avec l'assentiment du gouvernement de la Sarre, céder pour la durée de la Convention ou pour une durée moindre tout ou partie de ses droits d'exploitation et de ses droits sur les installations qu'elle détient.

Les redevances payées à la Régie des Mines de la Sarre, en contrepartie de cessions de droits d'exploitation, sont reversées à la Sarre.

Article 5

La Régie des Mines de la Sarre assure, pour le compte de la Société Saargrüben, le règlement des dettes et obligations et l'encaissement des créances de cette société ayant leur origine dans l'exploitation antérieure au

1er janvier 1948.

Lors de la clôture de la liquidation de la Société Saargrüben, les dettes et créances résultant de cette liquidation seront prises en compte par la Régie des Mines de la Sarre.

Article 6

Les conditions d'engagement d'emploi et d'avancement du personnel des mines et de leurs dépendances sont, à tous les échelons, déterminées par les capacités professionnelles.

Article 7

La Régie des Mines de la Sarre bénéficie de tous les droits reconnus et peut accomplir tous les actes permis par les législations française et sarroise aux sociétés industrielles et commerciales de droit privé; dans ce cadre, elle règle la conduite de l'exploitation, de manière à assurer, jusqu'à l'expiration de la Convention, la bonne utilisation du gisement suivant les règles de l'art des mines, ainsi que le bon entretien des installations; elle y procède en respectant les règles de sécurité existantes lors de la mise en vigueur de la présente Convention, réserve faite des dispositions prises exclusivement en vue de l'état de guerre. Des dispositions nouvelles pourront être prises dans les conditions prévues à l'article 13 de la présente Convention.

Article 8

La Régie des Mines de la Sarre règle, dans l'intérêt commun des économies française et sarroise, compte tenu en particulier des nécessités d'approvisionnement de l'industrie sarroise, les répartitions, l'expédition et le prix de vente des produits des mines et de leurs dépendances.

Article 9

Chaque année, la Régie des Mines de la Sarre détermine le bénéfice retenu pour l'assiette des impôts. La Régie des Mines de la Sarre est exclusivement soumise aux dispositions fiscales générales applicables aux entreprises industrielles d'après l'article 16 de la Convention fiscale et

budgétaire.

Ce bénéfice s'entend du produit net de l'exercice, compte tenu du report des exercices antérieurs, déduction faite des frais généraux et autres charges, y compris la redevance prévue à l'article 10 ci-après, ainsi que des amortissements industriels et de toutes réserves et provisions justifiées. Ces amortissements industriels sont calculés forfaitairement au taux de 15 % du chiffre d'affaires pour les cinq premiers exercices suivant la date

d'entrée en vigueur de la présente Convention et de 11% pour les exercices suivants.

Sur le bénéfice ainsi défini, les sommes nécessaires au règlement de l'arriéré éventuel de la redevance prévue à l'article 10 des impôts précités et à la couverture des charges résultant de l'amortissement des emprunts et des avances de l'État français sont prélevés dans l'ordre indiqué au présent paragraphe.

20% du solde seront utilisés dans un but social. L'emploi des sommes correspondantes sera fixé en détail par l'exploitant, en accord avec le Conseil des Mines de la Sarre, prévu à l'article 12 de la présente Con-

vention.

Article 10

La Sarre recevra chaque année une redevance totale se composant de deux parts. La première de ces deux parts est indépendante de la production nette annuelle. La deuxième correspond au surplus du tonnage net extrait par la Régie des Mines de la Sarre dépassant 10 millions de tonnes.

Les deux parts varient proportionnellement au prix moyen de vente des 'noix III flambant 15/35' et des 'criblés gras A 80' au 1er janvier de l'exercice auquel la redevance s'applique.

Le prix moyen de base du combustible ci-dessus défini étant celui en vigueur au 1er janvier de la première année d'application de la présente Convention, les valeurs de base des parts sont fixées, en ce qui concerne la première, à 300 millions de francs, et en ce qui concerne la seconde, à 30 francs par tonne nette en sus de 10 millions de tonnes.

A partir de la sixième année, à la somme ainsi fixée pour la deuxième part s'ajoute une somme de 20 francs par tonne applicable à la totalité du tonnage net extrait.

La première part est due dans tous les cas au 30 juin de l'année suivant l'exercice considéré et devra être réellement payée à cette date.

La deuxième part, due également à la même date, sans tenir compte des résultats financiers de l'exercice considéré, devra être payée sans retard si cet exercice fait ressortir un bénéfice suffisant.

Dans le cas contraire, le paiement de la deuxième part pourra être reporté. Le montant, majoré dans ce cas des intérêts pour retard calculés au taux d'escompte de la Banque de France majoré d'un point, sera réglé au premier lieu au moyen des bénéfices des exercices suivants.

Article 11

A l'expiration de la période de reconduction de la présente Convention, la Régie des Mines de la Sarre remettra à l'État sarrois, gratuitement et dans la consistance et l'état où ils se trouvent, l'ensemble des biens corporels et incorporels détenus par elle.

L'actif résultant éventuellement de la clôture des comptes de la Régie des Mines de la Sarre sera acquis à la Sarre; si la clôture des comptes de la Régie des Mines de la Sarre fait apparaître un passif, celui-ci sera mis à la charge de l'État sarrois.

Article 12

Le conseil supérieur des Mines de la Sarre et le Comité des Mines de la

Sarre sont supprimés.

Il est créé un Conseil des Mines de la Sarre. Le Conseil des Mines de la Sarre se compose de 18 membres, soit 9 membres désignés par le gouvernement de la République française et 9 membres désignés par le gouvernement de la Sarre. Ces membres sont désignés pour trois ans et leur mandat est renouvelable.

Le Conseil des Mines de la Sarre est présidé par le ministre du gouvernement de la République française chargé des Mines ou par son représentant.

Le Conseil des Mines de la Sarre se réunit au moins six fois par an sur la convocation de son président. En cas d'urgence, il est réuni à la demande de neuf de ses membres. Le directeur général de la Régie des Mines de la Sarre et le contrôleur d'État assistent aux séances.

Sont soumis obligatoirement en temps voulu à ses déliberations les documents suivants: l'état annuel de prévision de recettes et de dépenses, le programme de travaux neufs, la création de nouvelles installations et l'établissement de nouvelles branches d'industrie, les pertes, le statut du personnel, les projets de participation financière, les emprunts à plus de cinq ans d'échéance.

Sur proposition d'au moins cinq de ses membres, il délibère au sujet

d'autres questions concernant l'exploitation.

Le Conseil des Mines de la Sarre présente des vœux et formule des avis sur tous les points qui précèdent et sur ceux au sujet desquels le ministre du gouvernement de la République française chargé des Mines le consulte.

Article 13

Il est créé un organisme franco-sarrois de coordination et de conciliation siégeant à Sarrebrück. Cet organisme prend le nom d'Office franco-sarrois des Mines.

L'Office franco-sarrois des Mines est composé de six membres français et de six membres sarrois qui sont désignés pour trois ans, les premiers par le gouvernement de la République française, les seconds par le gouvernement de la Sarre; leur mandat peut être renouvelé. La présidence est assurée alternativement par un membre français et un membre sarrois élu pour un an par ses collègues. Le secrétaire général permanent de

l'Office franco-sarrois est désigné par le gouvernement de la République française en accord avec le gouvernement de la Sarre.

L'Office est obligatoirement consulté sur toutes mesures d'ordre législatif ou réglementaire en matière économique, technique, financière, fiscale et sociale, susceptibles d'avoir une incidence sur les conditions d'exploitation des mines et sur leurs charges financières.

L'Office peut, d'autre part, étudier de sa propre initiative et recommander aux deux gouvernements la conclusion de conventions, ainsi que l'adoption de toutes mesures législatives ou réglementaires destinèes à assurer sur les plans technique, économique, financier, administratif, fiscal et social la bonne marche des mines.

En cas de différend entre l'exploitant et le service sarrois des mines au sujet d'une décision ou d'un règlement de ce dernier, le recours de l'exploitant auprès du ministre chargé des Mines du gouvernement de la Sarre a un effet suspensif, sauf en cas de danger imminent prévu à l'article 199 de la loi sur les mines. Avant de statuer sur ce recours, le ministre chargé des mines du gouvernement de la Sarre est tenu de prendre l'avis de l'Office franco-sarrois. Au cas où l'Office franco-sarrois ne parvient pas à formuler, à la majorité des voix, une proposition de règlement, le ministre chargé des Mines du gouvernement de la Sarre statue sur le litige, accord pris du ministre du gouvernement de la République française chargé des Mines. Le ministre chargé des Mines du gouvernement de la Sarre statue, dans les mêmes conditions, s'il décide de ne pas se conformer à l'avis de l'Office franco-sarrois.

L'Office exerce, par délégation des deux gouvernements, le contrôle de la gestion comptable des Mines, en vue de contrôler la tenue régulière des comptes et notamment leur conformité au plan comptable de la Régie des Mines de la Sarre, ainsi que la sincérité du bilan.

Le budget de l'Office est alimenté par une cotisation versée par la Régie des Mines de la Sarre.

Article 14

Au cas où un différend s'élèverait au sujet de l'application ou de l'interprétation de la présente Convention, ce différend sera, à la demande de l'une ou l'autre des parties contractantes, porté devant la Commission prévue à l'article 5 de la Convention relative à l'application de l'Union économique franco-sarroise.

Article 15

La présente Convention sera rédigée en français et en allemand, le texte français faisant foi.

(iv) Statement in the House of Lords by the Parliamentary Under-Secretary of State for Foreign Affairs, Lord Henderson, on the British Government's attitude towards the Saar, 8 March 1950¹

In order to avoid any possibility of misunderstanding, I should make clear the attitude of His Majesty's Government to these agreements.² The question of the status of the Saar was first raised by the French Minister of Foreign Affairs in September, 1946. On October 22, 1946, my right honourable friend the Foreign Secretary made the following statement in the course of a speech in another place:

'The French wish to incorporate the Saar in their economic and administrative system but without formally annexing it. His Majesty's Government are prepared to accept the French proposals about the Saar subject to the necessary adjustments of the French reparations balance and the delimitation of the exact area.

We feel that this has been too long delayed and that in the interests of both the miners and other workers in the Saar and of the French Government it is right that the matter should be settled quickly. Therefore we shall support the French over the Saar.'

At the Council of Foreign Ministers in Moscow in 1947 my right honourable friend and the United States Secretary of State supported the claim of France for the political and economic detachment of the Saar from Germany, and on June 11, 1947, my right honourable friend, in reply to a Question, made a statement to the effect that His Majesty's Government, subject always to decisions to be taken at the final Peace Settlement, supported French policy in the Saar. In consequence the French Government took a number of measures in the Saar territory which had the effect of separating the Saar politically and economically from Germany.

When it became known, towards the end of last year, that the French Government intended to place these arrangements upon a contractual basis the Federal Chancellor expressed the view that nothing should be done which would prejudge the final settlement of the Saar question in the Peace Treaty or accentuate the separation of the Saar from Germany.

In particular, he expressed the hope that so long as there was no final settlement of the Saar question the problem of the ownership of the Saar mines should not be prejudiced by a long lease of the mines by the Saar Government to France.

The agreements which have recently been signed between the French Government and the Saar Government have been drawn up in such a way as to give the German Federal Government satisfaction on both these points. It is specifically laid down that the final status of the Saar can be determined only by the Peace Treaty. In this sense the agreements are

¹ H.L. Deb. 5th ser. vol. 166, coll. 142-3.

² The Franco-Saar Conventions of 3 March 1950. See above, p. 231.

only provisional and are valid only until the Peace Treaty. Moreover, care has been taken not to prejudice the question of the ownership of the mines, and it is laid down that whereas the French will continue to exploit them until the Peace Treaty, a fifty-year lease will be granted to the French only if this agreement is sanctioned in the Peace Treaty itself—that is to say, in a Treaty to which Germany will be a party.

It will thus be seen that the agreements do not alter the existing state of affairs, they merely place it on a contractual basis until such time as the future status of the Saar shall be definitely determined by a Peace Settlement. It is for the German Federal Government to decide whether they desire to fulfil the requirement of the Standing Committee and to apply for associate membership of the Council of Europe. It is a decision which must be taken with a due sense of responsibility. His Majesty's Government will not seek to influence that decision. I will say only this. Should the Federal Government decide to withhold its application the consequences are likely to bear more heavily on the German people than on the Western nations, who have resolved to turn their backs on the past and, by inviting Germany to join the Council of Europe, endeavour to open a new chapter in European relationships.

(v) Exchange of letters between Dr. Adenauer and M. Schuman, on the occasion of the signing of the Schuman Plan Treaty, regarding the status of the Saar, 18 April 1951¹

(a) Letter from Dr. Adenauer

Le Chancelier Fédéral

et

Ministre des Affaires Étrangères Paris, le 18 avril 1951.

A Son Excellence Monsieur le Président Robert Schuman Ministre des Affaires Etrangères Paris

Monsieur le Président,

Les représentants du Gouvernement Fédéral ont déclaré à plusieurs reprises, au cours des négociations sur la Communauté européenne du Charbon et de l'Acier, que le règlement définitif du statut de la Sarre ne peut être fait que par un Traité de paix ou un Traité analogue. Au cours des négociations, ils ont en outre déclaré qu'en signant le Traité, le Gouvernement Fédéral n'exprime nullement sa reconnaissance du statut actuel de la Sarre.

Documentation Française, no. 1489, 9 June 1951, p. 35. For the text of the Treaty see above, p. 173.

Je répète cette déclaration et vous prie de me confirmer que le Gouvernement français est d'accord avec le Gouvernement Fédéral sur le fait que le règlement définitif du statut de la Sarre ne pourra être fait que par le Traité de paix ou un Traité analogue et que le Gouvernement français ne voit pas, dans la signature par le Gouvernement Fédéral du Traité pour la Communauté européenne du Charbon et de l'Acier, une reconnaissance du statut actuel de la Sarre par le Gouvernement Fédéral.

Veuillez agréer, Monsieur le Président, l'expression de ma haute considération. (Signé) ADENAUER.

(b) M. Schuman's reply

Paris, le 18 avril 1951.

Monsieur le Chancelier,

En réponse à votre lettre du 18 avril 1951, le Gouvernement français prend acte de ce que le Gouvernement Fédéral n'entend pas, en signant le Traité instituant la Communauté européenne du Charbon et de l'Acier, reconnaître le statut actuel de la Sarre.

Le Gouvernement français déclare, en conformité de son propre point de vue, qu'il agit au nom de la Sarre en vertu du statut actuel de celle-ci, mais qu'il ne voit pas dans la signature par le Gouvernement Fédéral du Traité une reconnaissance du statut actuel de la Sarre par le Gouvernement Fédéral. Il n'a pas entendu que le Traité instituant la Communauté européenne du Charbon et de l'Acier préjugeât le statut définitif de la Sarre, qui relève du Traité de Paix ou d'un Traité en tenant lieu.

Veuillez agréer, Monsieur le Chancelier, l'expression de ma haute

considération.

(Signé) SCHUMAN.

Monsieur le Docteur Konrad Adenauer, Chancelier et Ministre des Affaires Étrangères de la République Fédérale d'Allemagne.

(vi) Letter from M. Schuman to Herr Johannes Hoffmann, Prime Minister of the Saar, regarding the activities of the Saar Democratic Party and suggesting that measures be taken to restrain the Party, 9 May 1951¹

Monsieur le Président,

L'attention du gouvernement français a été appelée, depuis quelque temps déjà, sur le caractère subversif de la campagne menée par le 'parti démocrate sarrois' contre le statut de la Sarre.

En effet, si l'on en juge par les manisseres et les documents parvenus récemment à ma connaissance, les dirigeants de ce parti sont table rase des principes qui sont posés dans le préambule de la constitution de la Sarre

et dont le gouvernement français et le gouvernement sarrois sont convenus d'assurer la mise en œuvre.

Ces principes, je le rappelle, prévoient entre autres que le peuple sarrois fonde son avenir sur le rattachement économique et sur l'union monétaire et douanière de la Sarre à la République française, d'où découle l'indépendance politique de la Sarre vis-à-vis de l'Allemagne.

Tel est le statut que la Sarre s'est donné librement avec l'assentiment de l'immense majorité de sa population et dont les modalités ont été négociées dans les conventions passées avec la France, en accord avec ses alliés.

Prétendant interpréter la volonté de la population sarroise, le parti démocrate entend substituer à ce statut un régime qui nie l'existence d'une Sarre autonome et détermine par anticipation le règlement définitif de la

question sarroise.

A cet égard, si le gouvernement français n'a jamais contesté qu'il appartiendrait au traité de paix ou à un traité en tenant lieu de fixer définitivement le régime de la Sarre, il n'a non plus jamais laissé ignorer qu'il soutiendrait, lors des négociations de paix, la thèse de l'indépendance politique de la Sarre vis-à-vis de l'Allemagne et de son union économique avec la France.

D'autre part, le gouvernement français ne pourrait voir sans inquiétude se développer l'activité d'une faction visant à mettre en cause les bases sur lesquelles sont fondées les conventions qui ont été conclues entre nos

deux pays.

Pour ces différentes raisons, je ne puis que vous laisser le soin de prendre les mesures que vous estimerez nécessaires à l'égard d'un parti qui, sous le prétexte de vouloir apporter une contribution à l'entente européenne, ne vise à rien moins qu'à menacer l'ordre public en Sarre, à troubler les relations franco-allemandes et à compromettre par là même la réalisation et une évolution pacifique de la communauté européenne.

(vii) Exchange of notes between the German Federal Government and the Allied High Commission on the status of the Saar and on the banning of the Saar Democratic Party

(a) German note, 29 May 19511

Owing to various events of the recent past, the Saar question has once again become the main topic of public discussion in Germany. It appears to be a matter of urgency, therefore, that steps should be taken to prevent the general political atmosphere from deteriorating still further.

The Federal Government have on two previous occasions explained in detail to the Allied High Commission their point of view in the matter of the Saar question. In a Note of 5th May, 1950, the Federal Government

¹ Control Council for Germany: Background Letter, 2 June 1951, pp. 4-6.

entered a protest against the conclusion of the Franco-Sarrois Conventions of 3rd March, 1950. The Federal Government therein proceeded from the assumption that in accordance with the Declaration of the Allies of 5th June, 1945, Germany had not ceased to exist as a state based on the frontiers of 31st December, 1937; that the Federal Government were entitled and under an obligation to safeguard all German rights and interests; that the area of Germany could be changed only by a peace treaty, and that up to that time no faits accomplis might be created which prejudiced the final settlement.

In their Note of 9th February, 1951, the Federal Government directed the attention of the Allied High Commission to the measures being taken in practice by the Saar Government in the matter of expulsions, and demanded in particular in this connection that no inhabitant of the Saar Area should be subject to persecution, to reprisal measures, or be handicapped by reason of the attitude he adopted in respect of questions which were subject to final settlement by the peace treaty.

On account of the events mentioned above, which took place recently in the Saar Area and which were rendered particularly significant by a letter from the French Foreign Minister to the Minister-President of the Saar Area of 9th May, 1951, the Federal Government feel that they are compelled once again to express to the Allied High Commission their anxiety and concern regarding developments in the matter of the Saar.

They consider the three Governments represented in the Allied High Commission to be under an obligation to exercise their influence on the development of the Saar question. After their failure, at the Moscow conference of Foreign Ministers in 1947, to reach agreement on the demands put forward by the French Government in respect of the Saar Area, the Governments of the United States, of the United Kingdom and of the French Republic agreed that the Saar Area should be incorporated in the French customs and currency area. In a document dated 20th February, 1948, they set forth the technical regulations which followed from the economic fusion of the Saar with France. The Federal Government cannot in any way infer from this document, which the Allied High Commission brought to the notice of the Federal Government at the latter's request on 12th March, 1951, that the political severance of the area from Germany should be combined with the incorporation of the Saar in the French customs and currency area. The theory that the incorporation of the Saar in the French customs and currency area could not be carried out without at the time severing the area politically from the rest of Germany, was never adopted by all Western Allies nor of course by the Federal Government.

It is true that the Preamble of the Constitution of the Saar contains clauses relating to the political severance of the Area from the rest of

Germany, but apart from the facts which have in the meantime become known concerning the conditions under which the elections to the Saar Landtag took place, the resolutions of such a Landtag of a non-sovereign area cannot take effect internationally and from the point of view of international law, insofar as they are meant to apply to Germany. This view is obviously also shared by the three Western Allied Governments, since they have in spite of this Preamble again and again assured the Federal Government that the final settlement of the Saar question was subject to the peace treaty.

In this matter agreement was also reached between the Federal Government and the French Government in an exchange of letters on the occasion of the signing of the Treaty concerning the European Union of coal and steel in Paris on 18th April, 1951. In this exchange of letters, which represent an integral part of the Treaty, the two Governments agreed that the final settlement of the status of the Saar can only be achieved by a peace treaty or a similar treaty. This agreement furthermore stipulated that nothing must be done in the Saar which would prejudice settlement in the peace treaty and thus make such settlement a gesture of no value.

The Government of the French Republic, who reserved their own point of view in the exchange of letters of 18th April, would not be acting in accordance with the principles contained in the exchange of letters of 18th April, if they were to support the efforts of the Saar Government which are tantamount to stopping any discussion concerning the final settlement of the Saar question in the peace treaty by the population of the Saar Area before the peace treaty is concluded. Even if the rules laid down in the Preamble were considered to be an integral part of the Constitution of the Saar Area, individual groups or parties are not prevented in any democratic state in the world from discussing the merits or demerits of certain clauses of the Constitution, insofar as these do not represent the democratic basic order itself, and from making proposals for changing the Constitution by legal means.

The Saar Government, in numerous laws which the public have in many cases not noticed because no opposition press is tolerated in the Saar Area, have created for themselves the means to suppress any political opinion they do not like. Examples of such legislation are the decree concerning the regulation of meetings in the Saarland of 24th February, 1948, the decree concerning the provisional regulation of press matters of 9th March, 1948, the law concerning residence in the Saar of 29th July, 1948, the law concerning the amendment of the penal code of 19th July, 1950, and the law now being debated in the Saar Landtag concerning the protection of the democratic order of the Saar, the licensing of political parties and the protection of the Saar employment exchange. Without

entering into details, it must at least be pointed out in this connection that in the Saar Area political parties can only be licensed on the basis of a unanimous resolution of the Government with a two-thirds majority of the Landtag. This means, in practice, the exclusion of all opposition inconvenient to the Government.

The political pressure to which the Saar population is exposed is expressed in a particularly shameful manner, even from the point of view of the Saar Constitution (Articles 4, 5, 10) in which the basic rights of freedom of political expression are recognized, in the supervision by the police of all meetings and in the tapping of all telephone conversations and the opening of letters carried out with great thoroughness.

As it was not possible during the past four years to create a proper system of administrative jurisdiction in the Saar Area, the population of

the Saar has no legal means of safeguarding its civic rights.

The Federal Government consider the banning of the Democratic Party to be a handicapping of a political group whose opinion differs from the opinion of the Saar Government with regard to the status of the Saar

which is to be settled in the peace treaty or in a similar treaty.

The Federal Government request the Governments represented in the Allied High Commission, which have assumed responsibility for the safe-guarding of the democratic basic rights in the Saar as a result of the Occupation of Germany and of the Agreement of 20th February, 1948, concerning the incorporation of the Saar in the French customs and currency area, to take suitable steps to restore in the Saar Area unrestricted freedom to the population to express its opinion and to make up its mind on those questions which are to be settled definitively in the peace treaty.

(b) Reply of the Allied High Commissioners, 3 August 19511

Monsieur le Chancelier,

Par lettre en date du 29 mai, vous avez appelé l'attention des trois gouvernements représentés au sein de la Haute Commission alliée sur la situation en Sarre et présenté un certain nombre de considérations sur les fondements politiques et juridiques du statut actuel de la Sarre.

Après avoir pris connaissance de ces considérations, le gouvernement du Royaume-Uni, le gouvernement de la République française et le gouvernement des États-Unis ont donné pour instruction à la Haute

Commission de vous répondre ce qui suit.

La position commune des trois gouvernements représentés au sein de la Haute Commission alliée en ce qui concerne le statut actuel de la Sarre a été indiquée à plusieurs reprises et publiquement depuis la session de Moscou du Conseil des ministres des Affaires étrangères, en avril 1947.

¹ L'Année Politique 1951, p. 642.

Le Protocole signé à Berlin le 20 février 1948 par des experts britannique, français et américain concernait seulement la mise au point des dispositions techniques résultant du rattachement économique de la Sarre à la France. Cet accord technique était une conséquence directe de l'attitude adoptée par les trois gouvernements en ce qui concerne le statut politique et économique de la Sarre.

Le statut actuel de la Sarre n'est pas en contradiction avec les déclarations des Alliés du 4 juin 1945, dans lesquelles la référence à 'l'Allemagne, à l'intérieur de ses frontières telles qu'elles existaient le 31 décembre 1937' avait pour seul objet de déterminer le territoire qui devait être divisé en zones aux fins d'occupation. Il est rappelé, à cet égard, que la juridiction de la République fédérale ne s'étend pas au delà de ses limites territoriales.

Les trois gouvernements réaffirment leur point de vue selon lequel le statut définitif de la Sarre devra être déterminé par le traité de paix ou par un traité en tenant lieu.

Les trois gouvernements sont, bien entendu, favorables au développement en Sarre d'institutions démocratiques et au respect des libertés individuelles; ils expriment enfin le ferme espoir que toutes précautions seront prises pour que le problème sarrois ne devienne un élément sérieux de controverses et ne compromette, par là même, une association étroite et durable sur le plan politique et économique, des nations européennes, qui est leur objectif commun et auquel les trois gouvernements savent que le gouvernement de la République fédérale est également attaché.

6. The Palais Rose Conference

(i) Exchange of notes between the U.S.S.R. and the three Western Powers on a proposed meeting of the Council of Foreign Ministers¹

(a) Russian note, 30 December 19502

The Ministry of Foreign Affairs of the Union of Soviet Socialist Republics confirms receipt of the note of the Government of the United States of America of December 22, which is in answer to a note of the Soviet of November 3 of this year on the question of calling a meeting of the Council of Foreign Ministers and on instruction of the Soviet Government, has the honor to state the following:

1. The Soviet Government in its note of November 3 proposed calling the Council of Foreign Ministers of the U.S.A., Great Britain, France and the U.S.S.R. for consideration of the question of fulfillment of the decisions of the Potsdam conference regarding the demilitarization of Germany. Introducing such a proposal the Soviet Government proceeded, thus, from the

¹ For the previous notes on this subject see *Documents* (R.I.I.A.) for 1949-50, pp. 170-1 and 176-8.

² Department of State Bulletin, 15 January 1951, pp. 90-92. Similar notes were sent to the United Kingdom and France.

necessity of holding not simply a meeting of the four ministers for the purpose only of consultations on these or those questions, but also from the necessity of calling the Council of Foreign Ministers for consideration of questions related to the competence of the Council of Ministers as constituted. In this connection the Soviet Government considered it necessary to discuss first of all the question of the demilitarization of Germany as the most acute question for Europe.

Continuing to consider that the question of demilitarization of Germany is the most important in the cause of insuring international peace and security and touches upon the basic interest of the people of Europe and primarily of the peoples who have suffered from Hitlerite aggression, the Soviet Government expressed its agreement to the discussion also of other questions regarding Germany which corresponds to the position of the Soviet Government as set forth in its note of November 3 and to the Prague declaration of eight powers.¹

The Soviet Government does not object to the proposal for the calling of a preliminary meeting of representatives of the U.S.A., Great Britain, France and the U.S.S.R. with the purpose that the meeting work out an agenda for the session of the CFM. It goes without saying that in tasks of such a preliminary discussion, consideration of questions which should be considered at the meeting itself of the four foreign ministers will not be included.

As for the place of calling of the preliminary meeting, the Soviet Government proposes that such meeting be called not in New York but in Moscow, Paris, or London in view of the fact that the holding of such meeting in one of the capitals mentioned presents undoubted practical conveniences for the majority of its participants.

2. The assertion of the Government of the United States that proposals set forth in the Prague declaration cannot serve as a basis for the favorable solution of the German problem calls forth legitimate doubt since this assertion was made before the proposals mentioned were subjected to consideration of the four powers. Assertions also of the American note that these proposals were allegedly rejected by a majority of the German people are at least baseless and do not at all conform to the real situation. In any event, it is not difficult to be convinced that in broad circles of the German population, including the population of West Germany as well, the proposals of the Prague meeting have met with great interest.

As far as remarks contained in the note of the Government of the United States of America with respect to letters of the High Commissioners to the President of the Soviet Control Commission on the question of conducting all German elections which are simply an evasion of the question having great significance for the German people are concerned, this question was

¹ See Documents (R.I.I.A.) for 1949-50, pp. 167-8.

the subject of repeated discussion between the Governments of the four powers and the position of the Soviet Union on this question is well known.

- 3. From published data it is seen that the Governments of the U.S.A., Great Britain and France are creating in Western Germany a regular German army, forming not just some police detachments as has been officially stated by the Ministers of Foreign Affairs of the three Western powers, but whole divisions. It is known also that in recent days representatives of the Governments of the U.S.A., Great Britain and France are carrying on negotiations with the Government of Adenauer concerning the number of German divisions being formed and their armament even with tanks and heavy artillery and concerning the inclusion of these divisions in the so-called 'united armed forces'. Attempts to camouflage these measures with references to the necessity of strengthening the defense of the U.S.A., Great Britain, France and other states of Europe are clearly untenable since no one has threatened or is threatening these states. All the more untenable are attempts in the note of the Government of the U.S.A. to justify plans for remilitarization of Western Germany by references to rearmament allegedly taking place in Eastern Germany. Everything said in the note of the Government of the U.S.A. on this matter is fabricated from beginning to end and does not conform to reality in the slightest degree. In the note of the Soviet Government of October 19, it was already pointed out that such assertions of the Governments of the three powers were without any foundation.
- 4. The note of the Government of the U.S.A. of December 22 furnishes a basis for considering that it is agreeable to the proposal of the Soviet Government with respect to joint consideration by the four powers of the question of the demilitarization of Germany. The Soviet Government attaches important significance to this since the carrying out of the demilitarization of Germany is not only provided for by the Potsdam agreement between the U.S.A., the U.S.S.R., Great Britain and France, but remains the most important condition for securing peace and security in Europe, corresponding also to the national interest of the German people itself.

Furthermore, it is known to the whole world that in recent time it is in fact the Governments of the U.S.A., Great Britain and France which have been taking every kind of measure for the revival of a regular German army and for the restoration of war industry in Western Germany and are already carrying on official negotiations on these questions with the Government of Adenauer, which is an expression of the desire of certain aggressive circles to confront the peoples of Europe with accomplished facts. There is no necessity to prove that such actions by the Governments of the U.S.A., Great Britain and France clearly contravene the obligations undertaken by these governments concerning the necessity for carrying

out the demilitarization of Germany and also that they cannot but create serious difficulties in the solution of those questions which must be considered by the Council of Foreign Ministers, the calling of which is being delayed further and further for some reason or other.

(b) United States reply, 23 January 19511

The Chargé d'Affaires of the United States of America has the honor to acknowledge the receipt of the note of December 30, 1950, of the Soviet Minister of Foreign Affairs and, under instructions from his Government, to reply as follows:

The purpose of the United States Government is to seek to allay existing international tensions by discussing all problems likely to threaten world peace with a view to resolving the fundamental differences between nations. It therefore confines itself in this reply to a further examination of the question of the basis on which such negotiations might take place and refrains from refuting in detail the allegations on a number of points, especially in regard to Germany, which are made in the Soviet Government's note. As the United States Government has repeatedly pointed out, particularly in its note of December 22, 1950, these allegations are completely without foundation.

With regard to the substance of the Soviet Government's note, the United States Government observes that the Soviet Government does not object to a preliminary conference of representatives of the four governments but, in view of other statements in the note, the United States Government feels it necessary to ask for clarification in order to avoid any misunderstanding and to make it possible that such a preliminary conference should serve a useful purpose.

The United States Government in its note of December 22 stated that the Soviet proposal for a meeting of the Foreign Ministers confined to considering the demilitarization of Germany in the context of the so-called Praha Declaration was not acceptable for the reasons therein given. The note proposed specifically that a meeting of the Foreign Ministers should include in its discussions not only questions related to Austria and Germany but also the principal problems whose solution would permit a real and lasting improvement in the relations between the Soviet Union and the United States, Great Britain, and France and the elimination of the causes of present international tensions throughout the world.

In its reply, the Soviet Government limited itself to an indication that it is willing to discuss questions concerning Germany. In this connection, the note of the Soviet Government refers again to the so-called Praha Declaration which the United States Government as well as the Govern-

Department of State Bulletin, 5 February 1951, pp. 228-9. Similar replies were sent by the United Kingdom and France.

ments of France and the United Kingdom have made clear they could in no circumstances accept as a limitation on or as a basis for discussions.

The note of the Soviet Government thus does not reveal whether that government agrees that a meeting of the Foreign Ministers of the four countries would deal with the other questions indicated in the note of the United States Government. The United States Government wishes to emphasize, as was stated in its note of December 22, that the tension which exists in the world today does not arise from the German problem. A discussion limited to the questions proposed by the Soviet Government would therefore be inadequate and unreal.

Consequently, the United States Government would be glad to know whether the Soviet Government does agree that those further questions and problems referred to above will be among those which the Foreign Ministers may discuss.

In its note of December 22, the United States Government further proposed that representatives of the four governments be designated to meet and examine the problems just referred to with a view to finding a mutually acceptable basis for a meeting of the Foreign Ministers of the four countries and recommending to their governments a suitable agenda.

In the view of the United States Government, these representatives would need to give some consideration to the questions and problems involved in order to determine their formulation for inclusion in the agenda as well as the order in which they would appear so that the mutually acceptable basis referred to could be established. It would not be the function of the representatives to attempt to arrive at solutions of the problems, this function being reserved for the Ministers themselves.

While the note of the Soviet Government states that it does not object to a preliminary conference of representatives of the four governments, it is not clear, in view of other statements in the note, whether the Soviet Government agrees that the function of such a preliminary conference should be as stated above. Consequently, the United States Government would be glad to know whether the view of the Soviet Government in this matter is the same as its own.

As for the meeting place of the preliminary conference, the United States Government is prepared to agree on Paris.

The Government of the United States renews its proposal made on December 22 and hopes that the Soviet Government is prepared to discuss the elimination of the principal causes of present international tensions and that it will accordingly agree on the points mentioned above. If the Soviet Government does agree, the United States Government for its part is ready to set, in agreement with the Governments of the United Kingdom, France, and the Soviet Union, the date of the exploratory meeting of representatives.

(c) Russian note to the French Government, 5 February 19511

In connection with the Note of the Government of France of January 23, 1951, the Foreign Ministry of the U.S.S.R. has the honour to state the following:

1. The fulfilment of the decisions of the Potsdam Agreement on the question of the differences in the attitudes of the four Powers on this question is of the greatest importance for diminishing the existing tension in the international situation and would undoubtedly considerably facilitate the improvement of the relations between France, Great Britain, the United States and the U.S.S.R.

At the same time the New York meeting of the Foreign Ministers of France, the United States of America and Great Britain in September, 1950,² and the subsequent measures of the Governments of the three Powers are decidedly aimed at the revival in Western Germany of a Regular German Army and at an increase of armaments in Europe and the United States of America so tremendous as to create ever greater disquiet among the peoples which not so long ago experienced the upheavals and miseries of the Second World War.

It was precisely for this reason that the Soviet Government took the initiative, as long ago as November 3 of last year, concerning the convocation of the Council of Foreign Ministers for discussion of the question of the demilitarisation of Germany. Inasmuch as the Government of France, like the Governments of Great Britain and the United States of America, also declares that it strives for a lasting improvement in the relations between France, Great Britain, the United States and the Soviet Union and for the elimination of the causes of the existing international tension at the present time, the Soviet Government considers that in this case there should be no grounds for a further delay in summoning the Council of Foreign Ministers.

2. The Soviet Government cannot pass over what has been happening in the past few months before everyone's eyes. Whereas the New York Conference of the Foreign Ministers of the three Powers only raised the question of the revival of the German armed forces and of the restoration of the war industry in Western Germany, since that time the real significance of this decision of the three Powers has already revealed itself in many things. The whole world knows that between the Governments of France, the United States of America and Great Britain on the one hand and the Bonn Government of Adenauer on the other, far-reaching negotiations have been carried on for over a month already, the dangerous significance of which is understood by all the peace-loving peoples of Europe.

¹ Soviet News, 7 February 1951. Similar notes were sent to the U.S.A. and the United Kingdom.

² See Documents (R.I.I.A.) for 1949-50, pp. 333-6.

In this connection note must also be taken of the fact of General Eisenhower's negotiations with the Government of the revanchist Adenauer concerning the inclusion of the revived German Army in the so-called 'Integrated Armed Forces' and of the very appointment at the present moment of General Eisenhower as Commander-in-Chief of these armed forces, which in no way tallies with the official declarations of a striving for peace. There is nothing surprising in the fact that, precisely in view of this position, the extreme militarists and revanchists in Western Germany are raising their heads and that yesterday's Hitlerite time-servers from among the most aggressive elements are assuming great importance.

The present intentions to use the revived German armed forces as the obedient instrument of a certain grouping of Powers are built on shifting ground, since, under the protection of the Government of revanchists of the type of Adenauer and Schumacher, militarists from among Hitler's followers, enraged by their failures, are now more and more strengthening their influence and direct domination in Western Germany, wanting themselves to use the situation which has arisen for their own aggressive imperialist aims. The circumstance, moreover, that the increase in armed forces and the armaments race have, in a number of States of Europe and in the United States of America, assumed unprecedented dimensions, naturally much increases the tension in the international situation and the disquiet among the peoples.

A situation has arisen in which the conference of Foreign Ministers is for one reason or another postponed further and further and at the same time not only is the demilitarisation of Germany not being carried out, but on the contrary measures are being taken to revive the Regular German Army and the war industry in Western Germany, as well as numerous other steps aimed at speeding up the preparations for a new war. If this situation continues, the conference of Foreign Ministers will obviously be faced with accomplished facts.

The Soviet Government has already declared its negative attitude to such a policy of accomplished facts. It may be that this policy responds to the intentions of certain aggressive circles, but the Soviet Government cannot but draw attention to the intolerable situation which has been created.

3. In its Note the Government of France declares that it considers it necessary to ask for explanations on certain questions touched on in the previous Note of the Soviet Government. In particular the French Government asks whether the Soviet Government would agree to the discussion of other questions besides the question of the demilitarisation of Germany, although, on this occasion, too, the French Government says nothing about the questions it has in mind.

The Soviet Government considers it possible to discuss at the session of the Council of Foreign Ministers other questions as well, bearing in mind that these questions will be considered by the Council of Ministers in the composition and in the order stipulated by the Potsdam Agreement between the U.S.S.R., the United States of America, Great Britain and France.

As regards the observation of the French Government that the Prague Declaration cannot be accepted as a basis for discussion, the attitude of the Soviet Government on this question has already been set forth in its Note of December 30, 1950.

It goes without saying that the Soviet Government proceeds here from the equal right of all members of the Council of Foreign Ministers to bring before the Council for discussion any proposals relating to the questions to be accepted for consideration.

4. In its Note of January 23 the French Government raises the question of the tasks of the preliminary conference of representatives of the four Powers. The attitude of the Soviet Government on this question was also set forth in its Note of December 30, 1950. The Soviet Government considers that the preliminary conference of representatives of France, the United States of America, Great Britain and the U.S.S.R. should be limited to the drafting of an agenda, the inclusion of questions and the order in which they are to be considered.

Thus the tasks of the preliminary conference should not include consideration of the substance of the questions to be included in the agenda.

5. The Soviet Government does not object to the calling of a preliminary conference of representatives of the four Powers in Paris.

(d) United States note, 19 February 19511

The Ambassador of the United States of America has the honor to acknowledge the receipt of the Soviet Government's note of February 5, 1951, and under instructions from his Government, to reply as follows:

The United States Government regrets that the Soviet Government in its reply repeats and further exaggerates inaccurate statements about the policies and motives of the United States, France, the United Kingdom as well as the German Federal Republic. The Soviet allegations are totally without foundation.

The attempt to eliminate the causes of international tension is a subject which so deeply touches the interests of all peoples that it demands the most serious and honest consideration. Clearly, if these causes are to be eliminated, they must first be correctly identified.

Department of State Bulletin, 5 March 1951, p. 366. Similar replies were sent by the United Kingdom and France.

It is obvious that it is not the German problem or the consideration of a German contribution to the defense of Western Europe which lies at the root of the present tension. The United States Government wishes to emphasize, moreover, that in Western Germany there do not exist any German military forces, or any German war industry and that the only fait accompli in this field in Europe is the existence of the huge armaments maintained by the Soviet bloc which include forces raised in East Germany. In short, as the United States Government stated in its note of December 22, the serious tension which exists at present arises in the first instance from the general attitude adopted by the Government of the U.S.S.R. since the end of the war.

The Soviet Government has referred to the defense program undertaken by the United States and the free nations of Europe. It must be as apparent to the Soviet Government, as it is to world public opinion, that the free nations of the world, confronted with the vast armed forces maintained by the Soviet Union and the nations under its control and in the face of the frustration by the Soviet Government of the sincere efforts of a large majority of the members of the United Nations to obtain the effective international control and reduction of armaments, have had no course except to move to redress for their own security the great disparity in armed forces existing in the world.

The United States Government wishes to insure that the discussion at any meeting of the four Ministers shall include these real causes of tension and that a suitable agenda to that end be drawn up. Since the Soviet Government has admitted the possibility of discussing questions other than Germany, and has itself drawn attention to that of armaments, the Government of the United States, which desires to raise this question, assumes that the Soviet Government does not object to the representatives of the four Governments in the preliminary conversations preparing an agenda which will cover the causes of tension in Europe, including the existing level of armaments; problems affecting Germany; the Austrian treaty. The formulation of these and other subjects which may be agreed upon, as well as their order on the agenda, will naturally be considered at the preliminary conference.

If the Soviet Government agrees with the basis outlined above for a preliminary conference in Paris, the United States Government suggests that the representatives of the Four Powers meet there on March 5. If, as the Government of the United States hopes, the preliminary conference of representatives finds a mutually acceptable basis for a meeting of the ministers, the Government of the United States suggests that the Foreign Ministers of the United States, France, the United Kingdom, and the Soviet Union meet in Washington on a date to be recommended by the representatives. The Government of the United States is informed that

these arrangements would be convenient to the Governments of France and the United Kingdom.

(e) Further Russian note, 1 March 19511

Le gouvernement soviétique constate que la note du 19 février du gouvernement français nie sans preuves les faits cités dans la note soviétique du 5 février et ne contient aucun élément qui appelle une nouvelle réponse de la part du gouvernement de l'U.R.S.S.; le gouvernement soviétique confirme la position qu'il a exposée dans sa note du 5 février.

Quant à la question d'une conférence préliminaire à Paris, le gouvernement soviétique donne son accord à la proposition relative à la convocation d'une conférence préliminaire des suppléants des ministres des Affaires étrangères de France, d'U.R.S.S., des États-Unis et de Grande-Bretagne le 5 mars à Paris.

(ii) Further exchange of notes between the U.S.A., the United Kingdom and France, and the U.S.S.R. regarding the proposed meeting of the Council of Foreign Ministers

(a) United States note, 31 May 19512

The Secretary of State presents his compliments to His Excellency the Foreign Minister of the Union of Soviet Socialist Republics and has the honor to refer to the current Four Power negotiations in Paris.

Since March 5 the representative of the United States together with the representatives of France and the United Kingdom, has been engaged in discussions with the representative of the Soviet Union in a preliminary conference in Paris. This preliminary conference was agreed upon as a result of an exchange of notes which ended with the note of the United States Government dated February 19, 1951, and the reply of the Soviet Government dated March 1, 1951. As indicated in that exchange of notes, the purpose of the conference was to reach agreement on a mutually acceptable agenda for a meeting of the Foreign Ministers of the United States, United Kingdom, France and the Union of Soviet Socialist Republics. Such an agreement has not yet been reached.

In the course of the discussions, the views of the four delegations were brought out and clarified. Considering that the discussions had provided all the elements necessary for agreement on an agenda, the representatives of the United States, United Kingdom and France presented to the Soviet representative on May 2 a new proposal containing three alternative

Documentation Française, no. 1448, 10 March 1951, p. 10. Similar notes were sent to the U.S.A. and the United Kingdom.

² Department of State Bulletin, 11 June 1951, pp. 933-4. Similar notes were sent by the other two western Powers.

agenda. The purpose of these three alternatives was to assure the possibility of the meeting of the four Foreign Ministers. It has been, and remains, the view of the United States Government that such a meeting is desirable in the interest of strengthening peace, which is the constant objective of the foreign policy of the United States.

In the course of the examination of these three alternatives the representatives in Paris were unable to reach full agreement. As regards the first alternative, the only difficulty was that the wording proposed by the three delegations for the sub-item concerning armaments was not acceptable to the Soviet delegation. The third alternative was not accepted by the Soviet delegation as a basis for agreement. In the second alternative, however, modifications were made in Item I and there is now agreement among the four delegations on the presentation of this item as well as on the inclusion of four other items in the agenda and on their wording. Apart from the final order of these four items, which remains to be determined, but ought not to present major difficulties, agreement could have been reached on the second alternative if the Soviet delegation had not insisted on the acceptance of their proposal relating to the North Atlantic Treaty.

The United States Government for its part considers that the amount of agreement so far reached on the agenda makes possible a meeting of the four Foreign Ministers which would permit discussion among others of all topics proposed by the Soviet Government in the exchange of notes preceding the Paris conference and on the 5th and 7th of March at the outset of that conference. Accordingly, the United States Government is pleased to invite the four Foreign Ministers to meet in Washington and suggests that the meeting begin on July 23. The United States Government is prepared to participate in such a conference not only on the agenda (alternative B) described above, but also on either of the two other agenda (alternatives A and C). The texts of these three proposals are enclosed.

The United States Government hopes to receive an early reply from the Soviet Government indicating its readiness to accept this invitation and stating which of the three agenda it finds acceptable for the purpose of holding a meeting of the four Foreign Ministers. Any further arrangements for the meeting could be worked out on receipt of a favorable reply from the Soviet Government.

Enclosure:

Alternative (a)

I. Examination of the causes and effects of present international tensions in Europe and of the means to secure a real and lasting improvement in the relations between the Soviet Union, the United States, United Kingdom, and France, including the following questions relating to: the

demilitarization of Germany; the existing level of armaments and armed forces and measures to be proposed jointly by the U.S.S.R., United States, United Kingdom, and France for the international control and reduction of armaments and armed forces; fulfilment of present treaty obligations and agreements; the elimination of the threat of war and fear of aggression.

- II. Completion of the treaty for the re-establishment of an independent and democratic Austria.
- III. Problems relating to the re-establishment of German unity and the preparation of a treaty of peace.
- IV. Fulfilment of the treaties of peace with Italy, Rumania, Bulgaria, and Hungary: agreements of the Four Powers concerning Germany and Austria.
- V. Fulfilment of the treaty of peace with Italy in the part concerning Trieste.

Alternative (b)

Examination of the causes and effects of the present international tensions in Europe and of the means necessary to secure a real and lasting improvement in the relations between the Soviet Union, the U.S., U.K. and France, including the following questions relating to: the demilitarization of Germany;

U.S., U.K. and France

the existing level of armaments and armed forces and measures to be proposed jointly by the U.S.S.R., U.S., U.K. and France for the international control and reduction of armaments and armed forces;

U.S.S.R.

measures for the reduction of armaments and armed forces of the U.S.S.R., the U.K., the U.S. and France, the existing level of armaments and armed forces and the establishment of an appropriate international control;

the demilitarization of Germany; fulfilment of present treaty obligations and agreements; the elimination of the threat of war and fear of aggression.

Completion of the treaty for the re-establishment of an independent and democratic Austria.

Problems relating to the re-establishment of German unity and the preparation of a treaty of peace.

Fulfilment of the treaties of peace with Italy, Rumania, Bulgaria and

There is agreement that 'the demilitarization of Germany' should be included in the agenda under item I. There is disagreement whether it should be the first or second sub-item. The Representatives of France, the U.K., and the U.S. propose that it should be placed after the sub-item 'the existing level of armaments . . .'; the Representative of the Soviet Union proposes that it should be placed before the sub-item beginning 'measures for the reduction of armaments . . .' [original footnote].

Hungary; agreements of the Four Powers concerning Germany and Austria.

Fulfilment of the treaty of peace with Italy in the part concerning Trieste.

Alternative (c)

- I. Examination of measures for the elimination of the present international tensions in Europe, of the threat of war, and of the fear of aggression.
 - II. Questions concerning armaments and armed forces.
 - III. Questions concerning Austria.
 - IV. Questions concerning Germany.
 - V. Fulfilment of treaties and agreements.

(b) Russian reply, 4 June 19511

The Soviet Government considers, as it has considered hitherto, that it is necessary and useful to convene the Council of Ministers of Foreign Affairs of the four Powers at the earliest date to discuss most important questions concerning the elimination of the tense situation in Europe and the strengthening of peace.

The Soviet Government holds, however, that it would not be advisable to discontinue the work of the Paris Conference of Deputy Ministers and that the conference should be given the possibility to continue its work for reaching agreement on an agenda for the Council of Foreign Ministers and for including the item on the Atlantic pact and United States military bases as an unagreed item of the agenda.

The Soviet Government considers that a frank discussion of the question concerning American military bases and the Atlantic pact, which was the main cause of the worsening of relations between the U.S.S.R. and the three Powers, would considerably relieve the tense atmosphere in Europe and facilitate the work of the conference of the Council of Foreign Ministers.

Therefore the Soviet Government will be ready immediately to send its representative to a conference of the Council of Foreign Ministers in Washington as soon as the Paris Conference of Foreign Ministers' Deputies solves in a positive sense the question of including the item concerning the Atlantic pact and United States military bases in the agenda.

(c) Further United States note, 15 June 19512

The Secretary of State presents his compliments to His Excellency the Foreign Minister of the Union of Soviet Socialist Republics and has the honor to refer to the current four-power negotiations in Paris.

¹ Soviet News, 6 June 1951.

² Department of State Bulletin, 25 June 1951, p. 1021.

1. The United States Government communicated on May 31 to the Soviet Government a note designed to remove the deputies conference from the deadlock in which it has been for some weeks. To this end the United States Government proposed, together with the Governments of France and the United Kingdom, that a conference of Ministers should meet on the basis of whichever one of the three agenda which had been submitted to it the Soviet Government should prefer.

The negative reply of the Soviet Government has put the deputies conference back to the point at which it was before May 31.

The Soviet Government stated in its note of June 4 that in its view it would be inexpedient to interrupt the work of the conference. The United States Government took account of this recommendation. As a result the deputies have held further meetings. These meetings have shown again that it is impossible to make any progress. The Soviet representative in fact continues to make the meeting of Ministers of Foreign Affairs conditional on a demand which it knows to be unacceptable to the other delegates although the Soviet delegate has obtained satisfaction insofar as concerns the inclusion in the agenda of all the questions which the Soviet Government stated that it wished to have discussed in its notes leading up to the conference or in the proposals which it made for the agenda at the beginning of the conference.

2. If the insistence of the Soviet Government on including in the agenda some mention of 'the Atlantic Treaty and the American military bases' is to be explained by its desire thus to secure directly or indirectly a decision of the Ministers calling into question a treaty concluded by twelve powers for the purpose of ensuring their common defense and to which the U.S.S.R. is not a party, it is clear that this insistence is entirely unjustified since such a decision does not come within the competence of the meeting of Ministers.

If on the other hand the purpose of the Soviet Government is solely to reserve the right of the Soviet Foreign Minister fully to give his interpretation of the causes and effects of international tension this insistence is unnecessary since it has been agreed that the agenda should contain a general heading which would permit each Minister to express his point of view on these matters.

3. Considering that the further discussions between the deputies on this question which the Soviet Government proposed in their note of June fourth have not advanced the prospect of agreement, the United States Government proposes that the Foreign Ministers of the four powers without further efforts by the deputies to complete an agreement on the agenda should meet on the basis of the large measure of agreement already reached by the deputies in Paris. Taking into account agenda B and the notes which have been exchanged between the Soviet Government and

the other governments in which their respective points of view are recorded, the four Foreign Ministers should be able to proceed without delay to their task of seeking to reduce the existing tensions in Europe.

(d) Russian reply, 20 June 19511

The Government of the U.S.S.R. after examining the Note of the Government of the United States of America of June 15 this year, on the question of the four-Power negotiations taking place in Paris, deems it necessary to state the following:

In its Note of June 4 this year, the Soviet Government declared that it was ready immediately to send its representative to a conference of the Council of Foreign Ministers in Washington as soon as the Paris Conference of the Foreign Ministers' Deputies would have solved in a positive sense the question of including in the agenda the item concerning the Atlantic pact and United States military bases.

The Soviet Government considers it necessary that this question be included in the agenda of the Council of Foreign Ministers (as an unagreed item) proceeding from the fact that, firstly, the American military bases and the Atlantic pact are the main cause of the tense situation in Europe and, secondly, that the United States Government, as well as the Governments of Great Britain and France, also recognises the necessity to relax the tense situation in Europe.

The meetings of the Paris preliminary Conference of the Foreign Ministers' Deputies of the four Powers have shown that the representatives of the United States, Great Britain and France entirely without any grounds make as a condition for the calling of the Council of Foreign Ministers of the four Powers the renunciation by the Soviet Government of discussion of the question concerning the Atlantic pact and United States military bases, as proposed by it.

However, refusing to adopt the Soviet representative's proposal to include the question of the Atlantic pact and American military bases in the agenda, whereas all questions without exception proposed by the representatives of the three Powers for discussion at the Council of Foreign Ministers were included in the agenda, with the full agreement of the Soviet representative, the three Powers thereby put the Soviet Union in a position of unequal rights. It is absolutely understandable that the Soviet Government cannot tolerate the position of unequal rights in which the representatives of the three Powers want to put it.

The Soviet Government is surprised that the representatives of the three Powers are afraid to agree to discuss at the Council of Foreign Ministers the question of the Atlantic pact. As is known, the Soviet Government

has mutual assistance pacts with China, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Finland and, finally, with France and Britain. The Soviet Government has no objections to any of these pacts being discussed by the Council of Foreign Ministers if the Powers so desire. Therefore, it is incomprehensible to the Soviet Government why the three Western Powers refuse to embark on the same road and do not wish to include the question of the Atlantic pact and military bases in the agenda. Indeed, the question at issue is not one of idle curiosity but that of relaxing the tense situation and facilitating the preservation of peace. The Soviet Government again declares that it strives for a frank discussion of all the causes giving rise to the tense situation in Europe.

The Soviet Government considers it necessary that the Foreign Ministers' Deputies should continue their conference in Paris with the aim of achieving, on the basis of the equal rights of the sides concerned, an agreement on the agenda for the Council of Foreign Ministers, having in mind the inclusion (as an unagreed item) of the question of the Atlantic pact and United States military bases, since this question is the most important for eliminating the tense situation in Europe.

- (iii) Joint western declaration ending the Palais Rose Conference and renewing the invitation to the U.S.S.R. to attend a four-Power conference in Washington, 21 June 1951¹
- (i) On June 15 the three western Governments communicated a renewed invitation to the Soviet Government to attend a meeting of the four Foreign Ministers on the basis of the large measure of agreement reached at the Paris conference on an agenda, and taking into account the views of the Soviet Government and of the three western Governments concerning the chief point of disagreement.
- (ii) As has been fully explained by the three western representatives to-day, the Soviet Government's reply of June 19 constitutes a rejection of this invitation, since it is a reaffirmation of the position previously taken up by the Soviet Government. The experience of the deputies in resuming their meetings in accordance with the proposal made in the Soviet Note of June 4 shows that the continuation of this discussion has no practical utility.
- (iii) The invitation to the Soviet Government for a meeting of the four Foreign Ministers, in accordance either with the Notes of the three western Governments of May 31 or with those of June 15 remains open, and the three Governments express the hope that the Soviet Government, after further consideration, will find it possible to transmit through the diplomatic channel its acceptance of this invitation. In this case if necessary

representatives of the four Governments could meet immediately in order to decide the date and make other detailed arrangements for the meeting of Ministers.

(iv) Statement in the House of Commons by Mr. Morrison on the termination of the Palais Rose Conference, 25 June 1951¹

The House will be aware of the statement made by the Delegations of the United Kingdon, France and the United States at Paris on 21st June—that the Soviet attitude had unhappily made further discussions on the present basis useless. It is a matter for deep regret that this situation should have been reached after four months of discussion in which no fewer than 74 meetings have taken place between the representatives of the four Powers, in the course of which my hon. Friend the Under-Secretary of State has acted with patience and skill.

This statement made it clear that the other three Powers hoped that the Soviet Government might still agree through the diplomatic channel to accept the invitation to a meeting of the Foreign Ministers. A wide measure of agreement was, in fact, reached in the discussions at Paris, including agreement to insert in an agenda nearly all the topics raised by the Soviet Delegation, one after another.

The United Kingdom entered these talks with a genuine desire to reach agreement on an agenda for a meeting of the Foreign Ministers. We wanted—and we still want—to find a basis for discussion of the root causes of the tension which threatens to disturb the peace of the world. In the course of these talks we were driven to conclude that there was not the same desire on the part of the Soviet Union to find an objective and fair-minded basis for a successful conference. It seemed to us that the Soviet Union was trying to weaken the Western Powers while leaving herself strong, rather than trying to find a basis of settlement advantageous to all.

A meeting of Foreign Ministers must be ready to take realistic decisions on concrete and definite questions which are at issue between the Powers. It must deal with the real and fundamental causes of the tension. A meeting to discuss the tension will be useless—indeed, it would be harmful—if it is merely to be used as a propaganda platform and a mud-slinging match ending in breakdown.

There has been in some quarters a misunderstanding of our refusal to accept the Soviet condition that the Atlantic Treaty and United States bases in Europe should be an item on the agenda. This is no mere hair-splitting about words. It really is basic to the whole problem of a conference. The North Atlantic Treaty is a consequence of the tension in the world and not a cause of it. The subject of this Treaty would be bound

to be mentioned—like a lot of other matters—in the course of discussion of the very tension which gave rise to it. But we cannot accept that the Treaty itself should be one of the matters on which the four Foreign Ministers can take decisions.

The North Atlantic Treaty is part of the defensive arrangements we have been compelled to make to protect ourselves. That is why we cannot agree to make it a subject for negotiation with the Soviet Union. Incidentally, the Soviet Government have not suggested—and neither have we—that the treaties of the Soviet Union should be on the agenda as matters for decision between the Foreign Ministers of the four Powers; they have merely said that these treaties can be discussed.

The House will note that the offer to hold a conference remains open. I am willing to take any chance that offers to get together and do effective business for the peace of the world.

7. German Unity and Elections

(i) Statement by Dr. Adenauer in Reply to a letter from the East German Prime Minister, Herr Otto Grotewohl, of 30 November 1950, Made at a press conference in Bonn, 15 January 1951²

Permit me to make a statement on behalf of the Federal Government regarding the reestablishment of German unity in peace and liberty. This statement is the logical and necessary continuation of the policy pursued by the Federal Government from the day of its inception and which has already found its expression in the formulation of the Basic Law of the German Federal Republic.

This statement, as well as the White Book,³ make it absolutely clear once more that in considering the Grotewohl letter, the Federal Government did not confine itself to making verbose protestations of its avowal of German unity, but has made thoroughly practical proposals for the reunion of Germany.

The present rulers of the Soviet Zone of Occupation of Germany and their masters have, in line with the tactics pursued by them, conducted a propaganda campaign with the aim of creating the impression among the German people that the reunion of our fatherland is frustrated through lack of good will on the part of the German Federal Republic.

An untruth, however, does not become a truth through endless repetition. The flood of words cannot obscure the fact that on March 22, 1950, and October 1, 1950, the Federal Government submitted its own plan for

Documents (R.I.I.A.) for 1949-50, pp. 178-9.

² Office of the U.S. High Commissioner for Germany: Sixth Quarterly Report on Germany, January 1-March 31, 1951, Appendix II, pp. 116-20.

³ German Federal Republic: Aktenstücke zur Beurteilung des Grotewohlbriefes (Bonn, Deutscher Bundes-Verlag, 1951).

the reestablishment of German unity to the public. Our clear and precise proposals have remained without any reply to this very day. This state of affairs has not changed even through Herr Grotewohl's letter of November 30, 1950. During recent days and weeks a carefully-directed propaganda offensive has emanated from the Soviet Zone, calling upon us to reply to the so-called Grotewohl letter. In this connection I can only say the following: Why is Herr Grotewohl silent about our proposals of September, October and March of last year?

Only ten days after the Grotewohl letter a law was promulgated in the East Zone which bears the attractive title of 'Law for the Protection of Peace'. The title of this law once again demonstrates the total inversion of all familiar concepts and the insincerity of Communist utterances. The law itself has become the symbol of the terror designed to break up the anti-Communist opposition in the East Zone and also to shake the determined and freedom-loving attitude of the West German population and of their representative and freely-elected institutions; because this law, ladies and gentlemen, as was expressly emphasized, is also to be applied against citizens of the German Federal Republic.

Yesterday you received news that quite a number of men and women, shackled with iron chains, were brought to the frontier of the German Federal Republic and there handed over to German authorities, and this for the reason that they had stayed in the German Federal Republic. This expulsion, carried out under the most outrageous circumstances, was made on the basis of this 'Law for the Protection of Peace'. I am not of the opinion that the promulgation of the 'Law for the Protection of Peace' and its application are conducive to giving us the impression, let alone to evoking the conviction in us that free elections are at all possible under such a regime in the East Zone. This morning I read in the newspapers that a 16 or 17-year old youth has been condemned to death because he pasted up posters hostile to the present regime in the East Zone and because, when he was arrested by the People's Police, he allegedly wounded one of the People's Police with a hunting-knife.

Ladies and Gentlemen: In a territory where such terrorist acts can be perpetrated as just now the two I have mentioned, the ruling authorities are in no position to talk of their intention of holding free, equal, direct and secret elections. Our unshakeable and decided will to restore the unity of Germany must find its expression in political measures which guarantee the preservation and assurance of democratic liberties. Above all we shall do nothing which might destroy the hope of German men and women in Central and East Germany for a free and dignified way of life. The entire German people may and shall expect this attitude from the Federal Government.

¹ Documents (R.I.I.A.) for 1949-50, pp. 388-9.

May I now read to you the resolution of the Federal Government:

Resolution of the German Federal Government

I. Since the establishment of the Federal Republic, the Federal Government had devoted all its efforts to the reestablishment of German unity founded on liberty and peace. The Federal Government was first to espouse the cause of German unity founded on liberty and to make concrete proposals for the peaceful attainment of this end.

To mention only one of the most important steps taken, the declaration of the Federal Government on March 22, 1950, on the carrying out of all-German elections may be recalled. In this it was said:

'Since its establishment, the Federal Government of Germany has known no duty more binding than the reestablishment of German unity. It is fully aware that the desired form of government, to include the whole of Germany, must be the outcome of the free decision of the whole of the German people. . . . Conscious of the responsibility, which the preamble and the concluding provisions of the Basic Law impose upon it, the Federal Government issues an appeal to all Germans, to all the Occupation Powers, and beyond this to the public opinion of the world to assist the German people in its reunification founded on liberty and peace.'

The most essential point of the declaration of March 22, 1950, reads:

'After the promulgation of an election law by the four Occupation Powers, all-German elections to a national assembly for the drawing up of a constitution should be proclaimed. The prerequisites for such elections are laid down in the declaration as follows:

- (1) Freedom of action for all parties throughout the whole of Germany, and abstention on the part of the Occupation Powers from influencing the formation and the activity of political parties.
- (2) The guarantee by all Occupation Powers, and by the German authorities, of security of person and protection from economic discrimination before and after the election for all persons acting for political parties.
- (3) The licensing and liberty of distribution for all newspapers throughout the whole of Germany.
- (4) Freedom of movement throughout the whole of Germany and the abolition of interzonal passes.'

The German Bundestag has always supported the Federal Government in its efforts to restore German unity, and on September 14, 1950, again urged it 'formally to request the Occupation Powers to secure free, universal, equal, secret and direct elections to an all-German parliament under international control in all the occupation Zones'.

These proposals were submitted to the Allied High Commission on October 1, 1950, and were forwarded by the latter on October 9, 1950,

¹ Documents (R.I.I.A.) for 1949-50, p. 161.

to the president of the Soviet Control Commission for Germany, General Chuikov. The Federal Government states that as yet no reply to this has been received from the Soviets.

II. To the declaration of the authorities of the Soviet Zone, in their letter of November 30, 1950, that they are striving for the unification of Germany, the objection may be raised, that those, who in the Warsaw agreement renounced all claims to German territory east of the Oder and Neisse rivers, do not appear legitimately entitled to talk of the unification of Germany.

In the opinion of the Federal Government the following prerequisites are indispensable for free all-German elections:

- (1) German citizens living in the Soviet Zone must be guaranteed the measure of liberty and security of person indispensable in a state recognizing the rule of law.
- (2) German and their organizations in the Soviet Zone must be guaranteed such political liberties as are usual under a democratic government, such as the right to hold meetings, to form political organizations and to carry on political activities. The so-called 'Law for the Protection of Peace' which came into force in the Soviet Zone on December 16, 1950, cannot be reconciled with this. Even if the terms of this law are directed against 'warmongering' and similar offenses, the comments upon it in the press of the Socialist Unity Party (SED) show clearly, that in reality every free expression of opinion, in particular any criticism of the conditions prevailing in the Soviet sphere of power, is to be suppressed by it.
- (3) In the opinion of the Federal Government the constantly increasing 'People's Police' of a military type, which has existed for some time in the Soviet Zone, represents, above all in view of the fact that it is the tool of a foreign intent, a menace to the German population. No such 'People's Police' exists on federal territory. An all-German solution achieved in complete freedom has no room for a party instrument subject to any foreign power.

III. The Federal Government agrees with all Germans that nothing will be left unattempted in order to reestablish German unity founded on liberty and peace.

The Federal Government can, however, only enter into discussion on German reunification with those who are willing unconditionally to recognize and to guarantee a regime based on the recognition of law, a form of government which respects liberty, the protection of human rights and the maintenance of peace.

IV. With respect to the allegations contained in the introduction to the letter of November 30, namely that the remilitarization and the inclusion of Western Germany in the plans for the *preparation* of war have widened the cleavage of Germany, the Federal Government emphatically states:

The unfortunate cleavage of Germany is due to the system of government introduced in the Soviet Zone, which is contrary to German tradition and to the German character, which robs the population of this zone of every possibility of freely shaping its political, economic and social life and by which they are cut off from mixing freely with their kin in the West. In this way an organic integration of Germany on a foundation of liberty has been forcibly prevented. This cleavage has been intensified by the creation of a strong 'People's Police', which is all the more ominous since it represents part of the extraordinary expansion of the military power of the Soviet Russian occupation power, while the authorities of the Soviet Zone cannot be unaware that the Federal Government has up to now refrained from taking any military measures whatsoever.

Ladies and Gentlemen: You are now acquainted with the conditions the fulfilment of which the Federal Government deems essential, if the reestablishment of German unity in peace and liberty is to materialize.

May I express the wish that all peace-loving nations will assist and support Germany so that she may regain her unity. I hope that also the occupation powers are aware that the realization of that aim will decisively contribute to strengthen the peace. To the Germans living in the Federal Republic, I appeal to back the Federal Government as one man with regard to issues above the dissension of the political parties.

It gives me satisfaction to state that—with the exception of the Communist Party—all party delegations of the Bundestag have identified themselves with the statement of the Federal Government I have just read. We are able to balance the external unanimity of the East, which is founded on oppression and terror, by the community of thought and action in the Federal Republic which grows out of voluntary agreement.

To our brothers and sisters in the East I address this my request that, consoled and in full confidence, they should hold out and not allow their conviction to be shaken that we here in the West will do everything in our power to achieve a unification of the whole of Germany, in law and in liberty.

(ii) Message from the Volkskammer of the German Democratic Republic to the Federal Bundestag regarding all-German elections, 30 January 1951¹

The Volkskammer of the German Democratic Republic approves the initiative taken by the government of the German Democratic Republic, as expressed in a letter from the Prime Minister, Herr Otto Grotewohl, to Dr. Adenauer, the Federal Chancellor, on 30 November 1950. It was

¹ Translated from Neues Deutschland, 31 January 1951.

proposed in this letter that discussions should be begun on the formation of an all-German Constituent Assembly. It was hoped by this means that the German people themselves would reach agreement on the preservation of peace, the restoration of German unity and the conclusion of a peace treaty. The tasks proposed for the all-German Constituent Assembly were to lay the foundations for the formation of a sovereign, democratic and peace-loving Provisional Government for the whole of Germany and to agree on the conditions under which free, all-German elections for a National Assembly could be held. While awaiting the formation of an all-German Government, the Constituent Assembly was to submit appropriate proposals for a peace treaty with Germany to the governments of the U.S.S.R., the U.S.A., the United Kingdom and France.

The initiative of the Government of the German Democratic Republic had the support of the whole German people, who desire above all things understanding between the Germans of the Eastern and Western zones, and who see in the rapid restoration of the unity of our Fatherland the only satisfactory defence against the mortal dangers of rearmament and military preparations.

In spite of the clear desire of the German people for peace, unity and national independence, Chancellor Adenauer postponed his reply to the offer of Herr Otto Grotewohl, the Prime Minister, while at the same time implementing significant measures for the revival of a German army and the rebuilding of German armament production.

In a statement to a Press Conference on 15 January 1951, Dr. Adenauer rejected the offer of the Government of the German Democratic Republic. He proves thereby his intention to pursue an aggressive and warlike policy, which must inevitably lead the German people to disaster. This aggressive policy, and the militarization of Western Germany, demonstrate that Dr. Adenauer is not in a position to protect the national interests of the German people, having allied himself with foreign imperialist warmongers.

The men and women of Germany recognize the great danger which threatens them from rearmament and warlike preparations. They desire above all the preservation of peace and the restoration of German unity. To this end they demand that all should struggle together for the union of the German people and the protection of their vital interests.

With the full support therefore of the people of Germany, the Volks-kammer of the German Democratic Republic proposes to the Parliament of the German Federal Republic that they should jointly summon an all-German Constituent Assembly, in order to reach agreement on all those problems which must be resolved for the preservation of peace and the unification of Germany. The Volkskammer of the German Democratic Republic declares its readiness to negotiate on all points concerning the formation and the tasks of a Constituent Assembly in a spirit of honourable

understanding, and also to discuss in detail all those questions raised by Dr. Adenauer in his statement of 15 January.

Thus:-

- 1. The representatives of the German Democratic Republic in the all-German Constituent Assembly will be empowered to negotiate in positive terms on conditions for the unification of Germany and in particular on the questions raised in Dr. Adenauer's statement concerning the setting up of a free and constitutional form of government for the whole of Germany, the protection of human rights and the preservation of peace.
- 2. The representatives of the German Democratic Republic in the all-German Constituent Assembly will be empowered to negotiate with the representatives of Western Germany on alterations in the 'Law for the Defence of Peace', in order to extend the operation of this law to the whole of Germany.
- 3. The representatives of the German Democratic Republic in the all-German Constituent Assembly will be empowered, in one of the earliest sittings of the all-German Constituent Assembly, to negotiate on the numerical strength, the arming and the stationing of the police forces of the whole of Germany, including the People's Police of Eastern Germany. Thus the German Democratic Republic will carry out a reduction in the numerical strength of the police forces in Eastern Germany, should this be considered necessary, in accordance with the principles agreed on, which will also apply to Western Germany.
- 4. In the light of the statement of Dr. Adenauer that the Federal Government has so far held itself aloof from all military measures and that it strives for the preservation of peace in Germany, the representatives of the German Democratic Republic in the all-German Constituent Assembly will be empowered, together with the representatives of the Federal Republic, to draw up a joint declaration in the name of the whole German people, with a view to prohibiting the remilitarization of Germany and the creation of German military formations, however composed. At the same time the necessary measures must be taken to safeguard the execution of such a prohibition with all the powers of the German authorities and the whole German people.
- 5. The representatives of the German Democratic Republic in the all-German Constituent Assembly will be empowered, in conjunction with the representatives of the Federal Republic, to discuss the conditions for holding free, universal, equal, secret and direct elections in the whole of Germany, taking into consideration both the proposals of the Bonn Government and those put forward by the representatives of the German Democratic Republic.
- 6. The representatives of the German Democratic Republic in the all-German Constituent Assembly will be empowered to negotiate in positive

terms on the measures to be employed by Germany to induce the Occupying Powers to conclude a peace treaty with Germany in the shortest possible time, and, in consequence, to withdraw their Armies of Occupation from the whole of Germany.

- 7. The representatives of the German Democratic Republic in the all-German Constituent Assembly will further be empowered to discuss joint measures to increase trade within Germany itself and also to ensure that German goods have free access to world markets. In this connection the representatives of the German Democratic Republic will use their best efforts to gain free access for the products of West German industry to eastern and south-eastern markets, in order to encourage the development of peaceful production in the whole of Germany. At the same time, the representatives of the German Democratic Republic will strive by this means to ensure peaceful co-operation with other countries, as a means of protecting Europe from further bloodshed.
- 8. The representatives of the German Democratic Republic in the all-German Constituent Assembly will be empowered to discuss in the meetings of the Constituent Assembly such other proposals as will serve to promote the unification of Germany on peaceful and democratic lines.

The members of the Volkskammer of the German Democratic Republic expect that, in discussing the formation of an all-German Constituent Assembly, the members of the Federal Parliament will be guided by the unmistakable demand of the German people for an understanding between East and West on those questions vital to the whole nation.

The Volkskammer of the German Democratic Republic proposes to the Federal Parliament that each Parliament should nominate an equal number of representatives, who would meet as soon as possible in Berlin to consider the practical steps necessary for summoning an all-German Constituent Assembly. The presidents of the two Parliaments could reach agreement on the date on which these representatives should meet.

BERLIN, January 30th, 1951.

(iii) Appeal from the Volkskammer to the Governments of the U.S.A., the U.S.S.R., the United Kingdom and France to place the question of a German Peace Treaty on the agenda for the Conference of Foreign Ministers, 5 March 1951¹

The Secretariat of the Volkskammer of the German Democratic Republic publishes the following declaration by the President of the Chamber, Herr Johann Dieckmann:—

Since the conclusion of the peace treaty with Germany is of the utmost

¹ Translated from Neues Deutschland, 6 March 1951.

importance to the whole German people, the Presidium of the Volks-kammer of the German Democratic Republic begs the Governments of the U.S.A., the U.S.S.R., the United Kingdom and France to instruct their representatives at the preparatory conference, now meeting in Paris to draw up the agenda for the Conference of Foreign Ministers of these countries, to place on this agenda the question of the preparation and conclusion of a peace treaty with Germany in 1951. The peace treaty should be based on the following points:—the demilitarization and democratisation of Germany, the restoration of German unity, a guarantee of freedom for foreign trade and for the development of production for peaceful purposes, and the withdrawal of occupation forces one year after the signature of the peace treaty.

On 2 March 1951 the Volkskammer of the German Democratic Republic proposed to the Parliament of the German Federal Republic that they should make common cause in forwarding the above request to the Governments of the U.S.A., the U.S.S.R., the United Kingdom and France. Since the Parliament of the German Federal Republic has not replied to this proposal, the Presidium of the Volkskammer of the German Democratic Republic feels itself compelled to forward this appeal to the Governments of the four Great Powers on its own behalf.

JOHANN DIECKMANN
President of the Volkskammer of the German
Democratic Republic.

(iv) Resolution of the Bundestag on German unity, 9 March 19511

The German people stands by the inalienable and unrenounceable principles of mankind and humanity. From the bitter experiences of the past and in the fact of the continuing totalitarian menace in the world the German people has unequivocally decided in favour of a governmental order founded on liberty and against any totalitarian compulsion.

An order founded on liberty can only thrive when there is peace among all peoples. We want this peace. We are against war and any preparations for war. But we do not want a fictitious peace by which Communism disguises its aggressive intentions and oppressions and keeps the world in continued unrest and tension.

A lasting peace can only be achieved if the causes of the tensions which harass the world can be successfully removed. We therefore welcome the declared intention of the Western Powers to make the examination of these tensions and the means of securing a real and lasting improvement in the relations between the powers the first topic to be considered by the proposed conference of foreign ministers.

¹ Sixth Quarterly Report on Germany, Appendix VII, pp. 147-8.

A substantial cause for the disturbance of the European order and consequently of world peace lies in the division of Germany. By overcoming this division, the ends of peace will be served. In this spirit the Bundestag declares its will to realize the political unity of the German

people as a national right which cannot be waived.

Basis of this unity is the organisation by way of free self-determination of a state which respects the rule of law, and which will guarantee to each inhabitant of Germany full personal civic freedom and equality. It is our wish that all Germany should be a state based on the rule of law, in which free men live without fear in a spirit of mutual responsibility, and not be a police state ruled by one dominant party practising political, economic, and moral terror.

The Bundestag, as the freely-elected parliament of the Federal Republic of Germany, requests the Federal Government to submit to the four occupying powers, also in the name of those Germans who until now have been denied the privilege of free elections, this petition as the urgent wish of the entire German people:-

- 1. That the four-power conference establish conditions under which a free, general, equal, secret and direct election to a parliament for all of Germany can take place as soon as possible.
- 2. The holding of this election under the same conditions in all four zones of occupation presupposes that international safeguards will guarantee by law and in fact full personal and civic liberty and equality for all persons and political parties before, during and after the election.
- 3. Only the parliament chosen in such an election, as the genuine representative of the people, shall be vested with the powers of a constituent and legislative assembly. It alone shall have authority to form a government and to exercise control over it.
- 4. The governmental machinery thus established must be effectively protected by suitable measures against unauthorised and unlawful interference.

The Bundestag calls upon the Federal Government to request the governments of the occupying powers fully to inform and to consult the Federal Government on all questions arising in connection with the Four-Power Conference which affect Germany, and to make no decision affecting Germany without the consent of the German people.

The Bundestag concurs in the Government's statement of policy and requests the Government to proceed energetically with the realization of the demands set forth.

The Bundestag will work with all its energies towards the objective of reuniting Germany. With this vow we salute all Germans. We salute in particular the Germans in the Länder of the Soviet zone and in Berlin. We are inseparably bound to them and strive, just as they do, for a common

State in which to live together in freedom and social justice. In this manner we shall serve the ends of world peace as a people enjoying equal rights in a free and united Europe.

(v) Resolution by the Volkskammer on an all-German conference, 15 September 1951¹

TO ALL GERMANS!

TO ALL GERMAN DEMOCRATIC PARTIES AND ORGANIZATIONS!

THE WILL OF the German people for unity and peace has prompted the People's Chamber of the German Democratic Republic to propose to the Lower House of the German Federal Republic that an all-German conference of representatives of the German Democratic Republic and of West Germany be convened. This all-German conference should fulfill the following tasks:

- 1. To make preparations for free, equal and secret democratic elections by all Germans to a National Assembly, thus paving the way for the creation of a unified, democratic, peace-loving Germany.
- 2. To demand the expeditious conclusion of a peace treaty with Germany and the withdrawal of all occupation forces from Germany.

Let us put an end to the partition of the Fatherland! To achieve a peaceful way of life, we must peacefully unite. Germany needs peace and not a new war; peace and rehabilitation, not bombs and destruction.

The People's Chamber appeals to all Germans and to all German parties and organizations with the request that they support the proposal for convening an all-German conference. Enemies of unity must not be permitted to forestall the unity and achievement of permanent peace for Germany.

Demand the calling of an all-German conference!

Fight for the unity of Germany and for expediting the conclusion of a peace treaty!

Long live the unified, independent, democratic, peace-loving Germany! Germans, let us assemble at one table!

The People's Chamber of the German Democratic Republic.

(vi) Answers of General V. I. Chuikov, Chairman of the Russian Control Commission, to questions put by a journalist regarding the Volkskammer's proposals of 15 September, 20 September 1951²

QUESTION: What is the attitude of the Soviet Control Commission in Germany towards the proposal of the People's Chamber of the German

¹ Office of the U.S. High Commissioner for Germany: Eighth Quarterly Report on Germany, July 1-September 30, 1951, Appendix II, p. 88.

² Soviet News, 21 September 1951.

Democratic Republic to the Bundestag for the convocation of representatives of the German Democratic Republic and Western Germany to discuss the following two questions:

- 1. On the holding of Germany-wide free elections to a National Assembly with a view to establishing a united, democratic, peace-loving Germany.
 - 2. On expediting the conclusion of a peace treaty with Germany.

Answer: I regard this proposal of the People's Chamber of the German Democratic Republic as an expression of the lawful desire of the people's chosen representatives to set up a united, democratic, peace-loving Germany and to ensure lasting peace and an independent existence for Germany.

There is no doubt that the questions of restoring the unity of Germany and of ensuring lasting peace and independence are a matter of concern for all the German people.

Our opinion is that the German people and the organs elected by them are in the right to take the cause of the restoration of the unity of Germany on democratic and peaceful principles into their own hands, and that they are also in the right to voice their opinion concerning the necessity to expedite the conclusion of a peace treaty with Germany. This right of the German people follows directly from the decisions of the Potsdam Conference. The existing split of Germany cannot and should not continue much longer. This split can be eliminated by the exertions of the German people themselves, who enjoy the support of the other peace-loving peoples.

The proposal of the People's Chamber for the convocation of an All-German Conference on holding Germany-wide free elections to a National Assembly with a view to establishing a united, democratic, peace-loving Germany, and also the exceptionally wide response to this proposal on the part of the population of both Eastern and Western Germany, reflects the growth of the national consciousness of the growing democratic forces in Germany.

As regards the second proposal of the People's Chamber envisaging that an All-German Conference of representatives of Eastern and Western Germany give expression to the demand for expediting the conclusion of a peace treaty with Germany, there is no doubt that this proposal is also just, and that joint actions of the representatives of Eastern and Western Germany on this question could greatly contribute to the peaceful settlement of the German problem and to the preparation and signing of a peace treaty with Germany.

It should be taken into consideration that the Powers which are occupying Western Germany, and are now trying to replace the conclusion of a peace treaty with Germany by hollow declarations on the so-called 'termination of the state of war's cannot but take into account the opinion of the German people, who have on their side incontestable right as well as the support of the peace-loving peoples.

The Soviet Government is known to have been and to be in favour of the restoration of the unity of Germany on democratic and peaceful principles and also in favour of speeding up the conclusion of a peace treaty with Germany, with the subsequent withdrawal of all occupation troops from Germany.

You need not doubt, therefore, that any efforts which will be made in this direction by the representatives of both Eastern and Western Germany will meet with the most active and absolutely disinterested support of the Soviet Union.

(vii) The Fourteen-Point Programme on all-German Elections, Approved by the Bundestag on 27 September 19512

The supreme aim of the policy of the Federal Government is and remains that of reestablishing German unity in a free and united Europe. This unity should be based on the free decision of the entire German people.

The Federal Government therefore repeatedly proposed that free, general, equal, secret, and direct elections for a constituent national assembly should take place in the whole of Germany. This proposal was last made by the government in its declaration of 9 March, 1951.³ At the same time the Federal Government defined the indispensable pre-requisites for the carrying out of free elections.

The Soviet occupation power did not send a reply to any of these proposals submitted by the Federal Government. The authorities of the Soviet Zone rejected these proposals.

Herr Grotewohl has now made statements in the Volkskammer on 15 September which seem to come nearer to the proposals submitted by the Federal Government. The Federal Government has carefully examined these statements. The Senate and the Chamber of Deputies of Berlin immediately proposed free elections for the whole of Berlin which, unfortunately, were rejected. Herr Grotewohl continues to insist on consultations concerning all-German elections. What do consultations with Communists mean? From many bitter experiences the world knows that when representatives of Communism talk of consultations they mean either dictation or endless delays. It would be a different matter if we had

¹ See above, p. 129.

² Office of the U.S. High Commissioner for Germany: Eighth Quarterly Report on Germany, July 1-September 30, 1951, Appendix III, pp. 89-91.

³ See above, pp. 273-5.

to deal with freely elected representatives of the populations of the Soviet Zone. We could at once find agreement with them.

In order not to leave any stone unturned, the Federal Government will submit an election procedure for free all-German elections. This election procedure will in its essential points embody the following principles:

1. The electoral area shall constitute one single constituency; each party

shall submit a list of candidates for the entire electoral area.

2. Freedom of political activity for preparing and carrying out the

election shall be guaranteed.

3. All restrictions in passenger traffic between the occupation zones including Greater Berlin will be repealed not later than three months prior to the elections.

4. Absolute personal freedom will be guaranteed throughout the entire electoral area to each duly nominated candidate for a seat in the National Assembly pending its convention. The candidate can neither be arrested, detained, nor be proceeded against in the courts, nor subjected to disciplinary action, dismissed from his service or employment, nor be otherwise called to account or hindered in his freedom of movement. He must be granted the necessary leave for preparing the election.

5. Prior to, during, and after the election, no one may be arrested, detained, proceeded against in the courts, subjected to disciplinary action, dismissed from service or employment, nor otherwise called to account

because of his political attitude.

6. Public meetings of parties, which have duly submitted a list of candidates, and of their candidates, shall be permitted unrestrictedly and placed under public protection.

7. The distribution of newspapers, periodicals, and other printed matter, which are published in any German Land, and the reception of broadcasts

must not be impaired in the entire electoral area.

8. The secrecy of the election shall be guaranteed.

9. Ballots and their envelopes shall be the same for all persons entitled to vote and must not bear any marks by which the voter may be identified. The marking of the ballot by the voter takes place in a part of the polling station which cannot be observed by any other persons. The voter encloses his ballot in an envelope and puts it into the ballot box in front of the polling committee.

10. Renunciation of these provisions is not admissible. Any infringement shall invalidate the entire election of the polling district concerned.

II. The votes shall be counted in public by the polling committee consisting of the representatives of different parties.

12. Preparation and carrying out of the election shall be under inter-

national protection and international supervision.

13. In all parts of the electoral area protection shall be uniformly

entrusted to international supervisory bodies. The German authorities shall have to comply with the directions of these supervisory bodies.

14. The supervisory bodies shall safeguard the rights and liberties of the population resulting from these provisions. Every German has the right to appeal to the supervisory bodies.

After this election procedure shall have been passed by the German Bundestag and Bundestat, the Federal Government will transmit it to the United Nations, the four occupation powers, and the authorities of the Soviet Zone in order to obtain their views. In so doing, it will propose that their international supervisory bodies be composed of representatives of neutral powers.

Really free elections, however, are possible only if the pre-requisites for the free expression of the will of the people are fulfilled in fact in the Soviet Zone. So far the overall situation in the Soviet Zone is far removed from that state of freedom. The hundreds of refugees who daily cross the zonal border to the West, leaving all they have behind them, seeking refuge in the Federal Republic are shocking proof of the state of lawlessness and lack of freedom in the Soviet Zone. These people are driven by harassing insecurity, the fear of the People's Police, of the concentration camps, and of forced labour.

The Federal Republic feels it to be its duty to do everything in order to establish clarity and certainty in this field. This can only be done in the face of world public opinion by having a neutral international commission under the supervision of the United Nations examine, in the Soviet Zone and in the territory of the Federal Republic, in how far the existing circumstances permit of free elections taking place. The Federal Government will at once apply for such an international investigation with respect to the territory of the Federal Republic. It is a matter for the authorities of the Soviet Zone to do the same.

The joining together of the territories of the Soviet Zone and of the Federal Republic will be the first step towards Germany's re-unification. This is of vital importance for the German people and for world peace.

(viii) Exchange of letters between Dr. Adenauer and the Allied High Commission on the possibility of free elections for the whole of Germany¹

(a) Dr. Adenauer's letter, 4 October 1951

In its declarations of March 22, September 14, 1950,2 and March 9, 1951,3 the Federal Government proposed the holding of free, general,

² Documents (R.I.I.A.) for 1940-50, pp. 165-7.

³ See above, p. 273.

Department of State Bulletin, 29 October 1951, pp. 694-5.

equal, secret, and direct elections in the whole of Germany, for the purpose of electing a constituent national assembly. At the same time it laid down indispensable prerequisites for the carrying out of free elections. In my letter of March 9, 1951, addressed to the Chairman of the Allied High Commission (AHC), I had requested governments represented in the AHC, in the course of negotiations between the four occupation powers on the subject of Germany, to obtain acceptance of the Federal Government's demands in respect of legal and psychological preconditions for the holding of free elections.

The Federal Government now repeats the proposal and requests the governments of the four occupation powers to give the German people the earliest opportunity, through elections carried out under international supervision, to elect a constituent and legislative national assembly for the area of the four occupation zones and Berlin which will also form a government and watch over its activities. The Federal Government will shortly be in a position to transmit to the AHC an electoral procedure for all-German elections, which will allow the holding of free elections. The Government declaration of September 27, 1951, already contains the essentials of electoral procedure.

The Federal Government feels obliged to do all in its power in order to ensure that the actual conditions for holding of all-German elections, proposed by it, are given. Vis-à-vis the territory at large, this can only be done by a neutral international commission—under United Nations control—carrying out investigations in the Soviet Zone and in the Federal Republic, to establish in how far prevailing circumstances make the holding of free elections possible. The Federal Government requests that such an international inquiry be immediately carried out for the territory of the Federal Republic and would ask the governments represented in the Allied High Commission to propose the establishment of such a commission to the United Nations without delay. The Federal Government will in every way facilitate the execution of the tasks of such a commission and will in particular allow it access to all Federal and Land Administrative offices as well as to all official papers and documents which it may require to see in order to complete its task.

(b) The Allied High Commission's reply, 15 October 1951

Your letter 202-04 II 11375/51 of October 4 was transmitted to the three Governments represented on the Allied High Commission and has been considered by them.

In your letter you repeated the proposals made by the Federal Government on March 22 and September 14, 1950, and on March 9, 1951, for the holding of free, general, equal, secret, and direct elections in the whole of

Germany. You also requested the Governments of the four Occupying Powers to give the German people the earliest opportunity to elect under international supervision and under the legal and psychological conditions specified in the various proposals of the Federal Government, a constituent and legislative national assembly. The three Governments, who have always supported and continue to support the unification of Germany as soon as it can take place along democratic lines insuring the creation of a free Germany able to play its part in a peaceful association of free European nations, now renew their support for the idea of elections under the safeguarding conditions which have been specified as necessary to protect the individual and national liberties of the German people. They refer among other things to the letters sent by the British, French, and United States High Commissioners in Germany on May 26, 1950, and on October 10, 1950,2 to General Chuikov, to the statements issued by the British, French, and United States Foreign Ministers in London on May 14, 1950,3 and in New York on September 19, 1950,4 and to the proposals made by the British, French and United States Deputies at the Paris Four Powers Conference on March 5, 1951.

In your recent letter you have made an additional proposal. You wrote:

The Federal Government feels obliged to do all in its power in order to ensure that the actual conditions for holding of all-German elections, proposed by it, are given. Vis-à-vis the territory at large, this can only be done by a neutral international commission—under United Nations control—carrying out investigations in the Soviet Zone and in the Federal Republic, to establish in how far prevailing circumstances make the holding of free elections possible. The Federal Government requests that such an international inquiry be immediately carried out for the territory of the Federal Republic and would ask the governments represented in the Allied High Commission to propose the establishment of such a commission to the United Nations without delay. The Federal Government will in every way facilitate the execution of the tasks of such a commission and will in particular allow it access to all Federal and Land Administrative offices as well as to all official papers and documents which it may require to see in order to complete its task.

The three Governments warmly welcome the constructive initiative which you have taken in making the proposal for a United Nations commission to investigate the extent to which prevailing circumstances allow the holding of free elections in the Federal Republic and in the Soviet Zone of Germany. They have not failed to note the desire of the Federal Government that such an inquiry take place immediately in its territory. The three Governments desire to inform you that they will, at the first

Documents (R.I.I.A.) for 1949-50, pp. 162-4.

² Ibid. pp. 165-7. ³ Ibid. pp. 164-5.

⁴ Ibid. pp. 333-6.

suitable opportunity, put your views before the United Nations and will propose that the United Nations undertake an investigation over the whole area of Germany as is suggested in your letter. They consider that only by such means can it be expeditiously and satisfactorily determined whether or not conditions exist in the entire area of Germany which would make it possible to consider as a practical matter the holding of general elections.

(ix) STATEMENT BY THE VOLKSKAMMER ON THE PROPOSED ALL-GERMAN CONFERENCE, 10 OCTOBER 1951

The joint declaration of all parties of the Volkskammer to the Bonn Federal Parliament is as follows:—

The Conference of the Foreign Ministers of the U.S.A., the United Kingdom and France, held in Washington in September of this year,² revealed the great danger which threatens the existence and peaceful development of Germany and the German people. For this reason the Volkskammer of the German Democratic Republic made a direct appeal to the Parliament of the German Federal Republic and to all Germans and German democratic parties and organizations.

In the interests of the existence and future of the nation, the Volks-kammer proposed an all-German Conference of representatives of Eastern and Western Germany, to discuss questions vital to the German people. The Volkskammer proposed that the Conference should discuss and reach a decision on the following two questions:

(a) The holding of free, all-German elections for a National Assembly with the object of creating a unified, democratic and peace-loving Ger-

many.

(b) The expediting of the conclusion of a peace treaty with Germany. The Parliament of the German Federal Republic discussed the appeal of the Volkskammer on 27 September 1951. The Federal Parliament did not agree to the proposals of the Volkskammer, although these proposals had found universal support among the German people. Moreover the Federal Parliament gave no direct reply to the Volkskammer proposal to call an all-German Conference. No reason for this failure to reply to the proposals clearly formulated by the Volkskammer on 15 September is given.

Although a definite agenda for the all-German Conference had been proposed, the Federal Parliament confined themselves to defining their attitude to the holding of all-German elections for a National Assembly. On the second matter on the proposed agenda, namely the expediting of the conclusion of a peace treaty with Germany, the Federal Parliament

¹ Translated from Neues Deutschland, 11 October 1951.

² Sce above, p. 133.

expressed no opinion, but maintained a complete silence. The speedy conclusion of a peace treaty with Germany is, however, of immense importance for the future of Germany, and is one of the chief demands of the German people at the present time.

The Volkskammer is prepared to accept most of the proposals made by the Federal Parliament in their sitting of 27 September concerning the conditions for holding all-German elections (14 points). But these are not the only matters which must be discussed by representatives of Eastern and Western Germany at the all-German Conference, before democratic elections can be held in the whole of Germany.

The Volkskammer considers that it would be useful to discuss the question of international supervision of the elections at the all-German Conference.

The Volkskammer awaits a clear answer from the Federal Parliament to the two questions which were raised by the Volkskammer in its appeal of 15 September 1951, namely:

- (a) Is the Federal Parliament agreed that an all-German Conference of representatives of Eastern and Western Germany should be held in the near future for the discussion of questions vital to the German people?
- (b) Is the Federal Parliament agreed that two questions should be discussed at this all-German Conference, namely:

the holding of free all-German elections with the object of forming a unified, democratic and peace-loving Germany, and

the expediting of the conclusion of a peace treaty with Germany?

The Volkskammer stands firmly by its appeal of 15 September 1951 for the immediate summoning of an all-German Conference and is ready at any time to nominate its delegates to such a conference.

(x) Draft Electoral Law for all Germany drawn up by the Federal Government, 1 November 1951¹

Article 1

- 1. Free, secret, universal, equal and direct elections for a constituent German National Assembly will take place in the four Occupied Zones of Germany and in Greater Berlin on . . . based on the principles of proportional representation.
- 2. The elections will be governed by the following electoral regulations:—

 Paragraph 1.
- (i) All Germans who are twenty-one years of age and over are entitled to vote, as long as they are not in the charge of trustees, in the provisional

¹ Translated from Frankfurter Allgemeine Zeitung, 5 November 1951.

charge of a guardian or in the charge of a guardian, or have not been placed in an institution on account of mental deficiency or mental weakness. Any elector who is twenty-six years of age or over on the day of the election may stand as a candidate.

(ii) For the purpose of this act Germans are all those persons who have German citizenship, or who, as refugees or exiles of German nationality, or as the lawful spouse or child of such persons, have their permanent residence in the area in which the election is being held.

Paragraph 2.

- (i) The whole area in which the election is held is to constitute one single constituency. Each party shall produce one list of candidates for the whole area.
- (ii) Each list of candidates must be signed by at least 10,000 voters. Lists of candidates put forward by parties which are already in existence when this law comes into force and which must be specified in the electoral regulations, require only ten signatures.

Paragraph 3.

- (i) There will be one member for every 100,000 votes. A remainder of more than 50,000 votes will be counted as a full 100,000.
- (ii) A list of candidates which does not receive a minimum of 10% of the votes in at least one German province will not be considered.

Paragraph 4.

- (i) Freedom for political activity, both before and during the election, will be guaranteed.
- (ii) All limitations on travel between the Zones, including Greater Berlin, will be suspended at least three months before the election.
- (iii) Every candidate who has been legally nominated for a seat in the National Assembly will be guaranteed unconditional personal freedom in the whole area in which the election is being held until the National Assembly meets. He may not, without the agreement of the International Control Organisation (see Art. 2), be imprisoned, taken into provisional custody, legally prosecuted or subjected to disciplinary measures, dismissed from his employment or otherwise called to account, nor may his freedom of movement be interfered with. He must be given such leave from his employment as will be necessary to prepare for the election.
- (iv) No person may be imprisoned, taken into provisional custody, legally prosecuted or subjected to disciplinary measures, dismissed from his employment or otherwise called to account or penalised, on account of political opinions expressed before or during the election.

Paragraph 5.

- (i) Public meetings of parties which have presented a list of candidates in accordance with the regulations, and of their supporters, are unreservedly permitted and shall have official protection.
- (ii) The dissemination of newspapers, pamphlets and other publications which are issued in any part of Germany, and the reception of wireless broadcasts throughout the area in which the election is being held, shall not be prevented.

Paragraph 6.

(i) Secrecy of the ballot shall be guaranteed.

- (ii) The voting papers and envelopes shall be the same for all voters and shall not be marked in any such way as would make it possible to identify the voter. The voter shall mark his voting paper in a part of the polling station where he cannot be observed by other persons. The voter shall place his voting paper, in an envelope, in the ballot box, in full view of the returning officers.
- (iii) The votes shall be counted publicly by the returning officers. The returning officers shall be appointed, with due consideration for all political parties, from the different wards of the electoral district.
- (iv) No departure from the rules laid down in paragraphs 1-3 is permissible. The International Control Organisation may declare the poll of the whole electoral district invalid if these rules are disregarded and may order the election to be held again.

Article 2

- 1. The preparation and carrying through of the election shall be under international protection and international control.
- 2. This protection shall be confided to International Control Organisations equally in all parts of the area in which the election is being held. The German authorities shall obey the directives of these Control Organisations.
- 3. The Control Organisations will guarantee the rights and privileges of the population arising from this law. Every German shall have a right of appeal to the Control Organisation.
- 4. The Supreme International Control Organisation will issue detailed directives for the protection and controlling of the election.

Article 3

- 1. The National Assembly will meet in Berlin thirty days after the election has been held.
 - 2. The oldest member will open the National Assembly and will at

once initiate proceedings for the election of a president. He will be elected by a simple majority.

3. The scrutiny of the poll shall be carried out by a tribunal chosen for

this purpose by the National Assembly.

4. The personal freedom and protection from persecution of the members of the National Assembly shall be guaranteed until the National Assembly passes final legislation on the matter.

Article 4

- 1. The National Assembly, in agreement with a Committee of Provincial Representatives, shall draw up the Constitution.
- 2. The Committee of Provincial Representatives shall be composed of representatives of the German Provinces, elected in accordance with Articles 1 and 2. Each province shall send at least 3 representatives. Provinces with more than 2 million inhabitants shall send 4 representatives, provinces with more than 6 million inhabitants shall send 5.

Article 5

- 1. The following principles shall be observed in drawing up the Constitution.
- (i) The right of the people to elect representatives for the provinces, districts and municipalities in universal, direct, free, equal and secret elections, and to exercise the power of the state through special organs of the legislature, the executive and the judiciary.
- (ii) Obligation of the legislature to abide by the Constitution, and obligation of the executive and the judiciary to abide by law and justice.
- (iii) The constitutional right to establish an effective parliamentary opposition.
 - (iv) The government shall be responsible to the parliament.

(v) Courts of Law shall be independent.

(vi) Universal human rights and the rights of citizens shall be protected.

(vii) The State shall be organised in provinces and the provinces shall co-operate at all points with the legislature.

Article 6

- 1. The National Assembly is empowered, with the agreement of the Committee of Provincial Representatives, to take all necessary measures to put into effect the principles laid down in Article 5.
- 2. The carrying out of these measures shall, at the request of the National Assembly, be guaranteed by the Supreme International Control Organisation (Art. 2, para. 4).

(xi) Communiqué issued by the East German Commission appointed to draw up an Electoral Law for the whole of Germany, 26 November 1951¹

The Commission is agreed that, in order to facilitate agreement between West and East German representatives at an all-German Conference, the Electoral Law of the Weimar Republic, of March 6, 1924, shall be taken as the basis for drawing up an electoral law for all-German elections. Thus a free, universal, secret, equal and direct vote will be a fundamental principle of the elections, which will be held on the basis of proportional representation.

The elections shall be held under identical rules in the whole of Germany, all the basic democratic rights of the populace being observed. Freedom of political activity is guaranteed to all citizens. All democratic parties, organizations and associations shall have the same freedom for their activities.

(xii) Resolution on the appointment of an international commission to investigate the possibility of free german elections, submitted by France, the United Kingdom and the U.S.A., and adopted by the General Assembly on 20 December 1951²

Whereas the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and France, acting on a proposal made by the German Federal Chancellor, have brought before the General Assembly a request for the appointment of an impartial international commission under United Nations supervision to carry out a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany in order to determine whether existing conditions there make it possible to hold genuinely free elections throughout these areas,

Whereas the statements made by the representatives of the Federal Government of Germany, of Berlin and of the Soviet Zone of Germany before the Ad Hoc Political Committee reveal differences of opinion with regard to the conditions existing in these areas, which makes it essential that such an investigation shall be carried out by an impartial body;

The General Assembly,

Having regard to the Purposes and Principles of the United Nations as set out in the Charter, taking due account of the responsibilities of the four Powers regarding Germany, and desiring to make its contribution to the achievement of the unity of Germany in the interests of world peace;

¹ Translated from Neues Deutschland, 28 November 1951.

² General Assembly, Sixth Session, Supplement No. 20, Resolutions, 510 (VI), pp. 10-11.

- 1. Considers it desirable to give effect to this request;
- 2. Resolves to appoint a Commission composed of the representatives of Brazil, Iceland, the Netherlands, Pakistan and Poland which shall carry out immediately a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany to ascertain and report whether conditions in these areas are such as to make possible the holding of genuinely free and secret elections throughout these areas. The Commission shall investigate the following matters in so far as they affect the holding of free elections;
 - (a) The constitutional provisions in force in these areas and their application as regards the various aspects of individual freedom, in particular the degree to which, in practice, the individual enjoys freedom of movement, freedom from arbitrary arrest and detention, freedom of association and assembly, freedom of speech, press and broadcasting.
 - (b) Freedom of political parties to organize and carry out their activities.
 - (c) The organization and activities of the judiciary, police and other administrative organs.
- 3. Calls upon all authorities in the Federal Republic, in Berlin, and in the Soviet Zone to enable the Commission to travel freely throughout these areas; and to allow the Commission freedom of access to such persons, places and relevant documents as it considers necessary in the course of executing its task and to allow it to summon any witnesses whom it wishes to examine.
 - 4. (a) Directs the Commission to report at the earliest practicable date to the Secretary-General, for the consideration of the four Powers and for the information of the other Members of the United Nations, the results of its efforts to make the necessary arrangements with all the parties concerned to enable it to undertake its work according to the terms of the present resolution;
 - (b) Directs the Commission, if it is able to make the necessary arrangements throughout the areas concerned, similarly to report the findings resulting from its investigation of conditions in these areas, it being understood that such findings may include recommendations regarding further steps which might be taken in order to bring about conditions in Germany necessary for the holding of free elections in these areas;
 - (c) Directs the Commission, if it is unable forthwith to make these arrangements, to make a further attempt to carry out its task at such time as it is satisfied that the German authorities in the Federal Republic, in Berlin, and in the Soviet Zone will admit the Commission, as it is desirable to leave the door open for the Commission to carry out its task;

- (d) Directs the Commission in any event to report, not later than I September 1952, the results of its activities to the Secretary-General for the consideration of the four Powers, and for the information of the other Members of the United Nations.
- 5. Declares that the United Nations is prepared, after being satisfied that the conditions throughout the areas concerned are such as to make possible the holding of genuinely free and secret elections, to offer its assistance in order to guarantee the freedom of the elections.
- 6. Requests the Secretary-General to furnish the Commission with the necessary staff and facilities.

356th plenary meeting, 20 December 1951.

PART III

THE U.S.S.R. AND CENTRAL AND EASTERN EUROPE

A. RUSSIAN RELATIONS WITH THE WEST

1. Statements of Russian Policy

(i) Answers by Marshal Stalin to questions put by a correspondent of *Pravda*, 16 February 1951¹

QUESTION: How do you estimate the latest statement of the British Prime Minister Attlee in the House of Commons that after the end of the war the Soviet Union did not disarm, i.e. did not demobilise its troops, and that since then the Soviet Union has been increasing its armed forces more and more?²

Answer: I estimate this statement of Premier Attlee as a slander against the Soviet Union.

The entire world knows that the Soviet Union demobilised its troops after the war. As is known, the demobilisation was carried out in three stages: The first and second stages—during 1945, and the third stage—from May to September, 1946. In addition, in 1946 and 1947 demobilisation of the senior age classes of the personnel of the Soviet Army was effected, while at the beginning of 1948 all the remaining senior age classes were demobilised.

Such are the facts known to all.

Were Premier Attlee well-versed in financial or economic science he would without difficulty understand that no State, the Soviet State included, can develop to the utmost civilian industry, launch great construction projects such as the hydro-electric stations on the Volga, the Dnieper and the Amu Darya requiring budget expenditures of tens of thousands of millions, continue a policy of systematic reduction of prices of consumer goods, likewise requiring budget expenditures of tens of thousands of millions, invest hundreds of thousands of millions in the restoration of the national economy destroyed by the German occupationists and, together with this, simultaneously with this, increase its armed forces and expand war industry. It is not difficult to understand that such a reckless policy would lead to the bankruptcy of the State. Premier Attlee should know from his own experience, as well as from the

¹ Soviet News, 19 February 1951.

² 12 February 1951, H.C. Deb. 5th ser. vol. 484, coll. 58-59.

experience of the United States, that an increase of the armed forces of a country and an armaments drive lead to expansion of the war industry, to curtailment of civilian industry, to the suspension of big civilian construction projects, to an increase in taxes, to a rise in the prices of consumer goods. It is clear that if the Soviet Union does not reduce but on the contrary expands civilian industry, does not curtail but on the contrary develops the construction of new immense hydro-electric stations and irrigation systems, does not discontinue but on the contrary continues the policy of reducing prices—it cannot simultaneously with this expand war industry and increase its armed forces without taking the risk of going bankrupt.

And if Premier Attlee, notwithstanding all these facts and scientific considerations, still finds it possible openly to slander the Soviet Union and its peaceful policy, this can be explained only by the fact that by slander against the Soviet Union he thinks to justify the armaments drive in Britain now being effected by the Labour Government.

Premier Attlee needs a lie about the Soviet Union, he has to present the peace policy of the Soviet Union as an aggressive one, and the aggressive policy of the British Government as a peaceful one, in order to mislead the British people, foist upon them this lie about the U.S.S.R. and thus embroil them through deception in the new world war which is being organised by the ruling circles of the United States of America.

Premier Attlee presents himself as a supporter of peace. But if he really stands for peace, why has he rejected the proposal of the Soviet Union in the United Nations for the immediate conclusion of a peace pact between the Soviet Union, Britain, the United States of America, China and France?

If he really stands for peace, why has he rejected the proposals of the Soviet Union for the immediate start of an armaments reduction, for the immediate prohibition of the atomic weapon?

If he really stands for peace why does he persecute those who support the defence of peace, why has he forbidden the Congress of peace defenders in Britain? Really, can a campaign for the defence of peace threaten the security of Britain?

It is clear that Premier Attlee stands, not for the preservation of peace, but for the unleashing of a new aggressive world war.

QUESTION: What is your opinion of the intervention in Korea, what can it end in?

Answer: If Britain and the United States of America finally reject the peace proposals of the People's Government of China, the war in Korea can end only in the defeat of the interventionists.

QUESTION: Why? Are the American and British generals and officers inferior to the Chinese and Korean?

Answer: No, they are not inferior. The American and British generals and officers are not in the least inferior to the generals and officers of any other country. As for the soldiers of the United States and Britain, in the war against Hitlerite Germany and militarist Japan they, as is known, gave the best account of themselves. What is the point then? The point is that the soldiers consider the war against Korea and China as unjust, whereas they regarded the war against Hitlerite Germany and militarist Japan as entirely just. The point is that this war is extremely unpopular among American and British soldiers.

Indeed, it is difficult to convince soldiers that China, which threatens neither Britain nor America and from which the Americans seized the island of Taiwan, is the aggressor, while the United States of America, which seized the island of Taiwan and brought up its troops to the very borders of China, is the side which is on the defensive. It is difficult to convince soldiers that the United States of America has the right to defend its security on the territory of Korea and at the borders of China, while China and Korea have no right to defend their security on their own territory or at the borders of their States. Hence the unpopularity of the war among the Anglo-American soldiers.

It is clear that the most experienced generals and officers can suffer defeat if the soldiers consider the war imposed on them as highly unjust and if, in view of this, they discharge their duties at the front formally, without faith in the justice of their mission, without enthusiasm.

QUESTION: How do you estimate the decision of the United Nations Organisation declaring the Chinese People's Republic an aggressor?¹

Answer: I estimate it as a disgraceful decision. Indeed, one has to lose the last remnants of conscience to assert that the United States, which has seized Chinese territory, the island of Taiwan, and has invaded Korea up to the borders of China, is the side defending itself, while the Chinese People's Republic, which is defending its borders and is trying to regain the island of Taiwan, seized by the Americans, is the aggressor.

The United Nations Organisation, set up as a bulwark for the preservation of peace, is becoming an instrument of war, a means of unleashing a new world war. The aggressive nucleus of the United Nations Organisation is comprised of 10 countries—members of the aggressive North Atlantic pact (the United States, Britain, France, Canada, Belgium, the Netherlands, Luxembourg, Denmark, Norway, Iceland), and 20 Latin American countries (Argentina, Brazil, Bolivia, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela). It is representatives of these countries that now decide in the

United Nations Organisation the destiny of war and peace. It is they who passed in the United Nations Organisation the disgraceful decision on the aggressiveness of the Chinese People's Republic.

It is characteristic of the state of affairs now prevailing in the United Nations Organisation that, for example, the small Dominican Republic in America, with a population of hardly two millions, has now the same weight in the United Nations Organisation as India and much more weight than the Chinese People's Republic, which has been deprived of the right of a vote in the United Nations Organisation.

Thus, becoming an instrument of aggressive war, the United Nations Organisation at the same time ceases to be a world organisation of nations having equal rights. Actually, the United Nations Organisation is now not so much a world organisation as an organisation for the Americans, catering to the needs of the American aggressors. Not only the United States of America and Canada are seeking to unleash another war, but this path is being taken also by 20 Latin American countries, whose landlords and merchants thirst for a new war somewhere in Europe or Asia, in order to sell to the belligerent countries goods at super-high prices and make millions on this sanguinary business. It is no secret to anyone that the 20 representatives of 20 Latin American countries constitute now the most united and obedient army of the United States of America in the United Nations Organisation.

The United Nations Organisation is thus taking to the inglorious path of the League of Nations. Thereby it is burying its moral authority and dooms itself to disintegration.

QUESTION: Do you consider a new world war inevitable?

Answer: No. At least at the present time it cannot be regarded as inevitable.

Of course, in the United States of America, in Britain, as well as in France, there are aggressive forces thirsting for a new war. They need war in order to obtain super-profits, to rob other countries. These are the billionaires and millionaires who consider war as a lucrative affair yielding colossal profits.

They, these aggressive forces, hold in their hands reactionary governments and direct them. But at the same time they are afraid of their peoples, who do not want another war and stand for the preservation of peace. This is the reason why they seek to utilise reactionary governments in order to enmesh their peoples in a net of lies, to deceive them and to present the new war as a defensive one and the peace policy of the peace-loving countries as an aggressive one. They seek to deceive their peoples in order to foist upon them their aggressive plans and draw them into another war.

It is for this reason that they fear the campaign in defence of peace, being apprehensive that it may expose the aggressive intentions of the reactionary governments.

It is precisely for this reason that they turned down the proposals of the Soviet Union for the conclusion of a pact of peace, reduction of armaments, prohibition of the atomic weapon, being apprehensive that the adoption of these proposals would undermine the aggressive measures of the reactionary governments and make the armaments drive unnecessary.

What will this struggle of the aggressive and peace-loving forces end in? Peace will be preserved and strengthened if the peoples take into their own hands the cause of the preservation of peace and defend it to the end. War may become inevitable if the warmongers succeed in enmeshing the masses of the people in a net of lies, deceiving them and drawing them into a new world war.

This is the reason why the broad campaign for the preservation of peace, as a means for exposing the criminal machinations of the warmongers, is now of paramount significance.

As for the Soviet Union, it will continue also in the future unswervingly to pursue a policy of preventing war and preserving peace.

(ii) Extract from the report to the Moscow Soviet by Mr. L. P. Beria, Member of the Politburo, on the occasion of the 34th Anniversary of the October Revolution, 6 November 1951¹

The vast scale of peaceful constructive work in our country is eloquent proof of the peaceable character of the Soviet Union's foreign policy, and exposes the slanderers who keep alleging that our Government has aggressive designs.

'No State', says Comrade Stalin, 'the Soviet State included, can develop to the utmost civilian industry, launch great construction projects such as the hydro-electric stations on the Volga, the Dnieper and the Amu Darya requiring budget expenditures of tens of thousands of millions, continue a policy of systematic reduction of prices of consumer goods, likewise requiring budget expenditures of tens of thousands of millions, invest hundreds of thousands of millions in the restoration of the national economy, destroyed by the German occupationists, and, together with this, simultaneously with this, increase its armed forces and expand war industry. It is not difficult to understand that such a reckless policy would lead to the bankruptcy of the State.'

The peaceful policy of the Soviet State springs from the October Socialist Revolution. The more than 30 years' history of Soviet Power shows that the October Revolution was a constructive revolution, a revolution for the

systematic building of a new, communist society. The wars forced upon us by our enemies only interfered with our great work.

The foreign policy of the Soviet Government was defined with exhaustive clarity by Comrade Stalin, in his report at the 14th Congress of the Party when he said: 'Underlying the policy of our Government, its foreign policy, is the idea of peace. Struggle for peace, struggle against new war, exposing all steps being taken in preparation of a new war... that is our task.'

There has not been a single international conference or meeting in which the Soviet Union has participated where the representatives of the Soviet Government did not submit constructive proposals for the prevention of international conflicts and the safeguarding of peace and security. But in most cases our efforts in this sphere were directly counteracted by the ruling circles of a number of bourgeois States. The situation changed very little after the Second World War, from which one would think the statesmen of many countries should have drawn the proper lessons.

The peoples consented to endure immense sacrifices and privations in order to smash the aggressive fascist bloc, in the hope that after victory they would be ensured conditions for peaceful development. At the height of the Second World War, Comrade Stalin warned that it was not enough to win the war, but that a stable and lasting peace among nations had to be ensured. But the blood of millions of victims on the battlefields had hardly congealed when the American and British imperialists began to plot another war. Immediately after the war the ruling circles of the United States, Britain and France adopted the course of directly violating the major agreements achieved by the great Powers during the war, of undermining international co-operation and of forming an aggressive bloc, with a view to plunging the peoples into the misery of another world holocaust.

There is no need here to enumerate generally known facts. It is enough to say that the United States is openly restoring the two seats of war—in the zone of Germany in the West and in the zone of Japan in the East—the elimination of which in the last war cost the freedom-loving nations millions of lives, colossal material sacrifices and incredible suffering.

Of late, measures have been taken to speed up the remilitarisation of Western Germany and in this work Hitlerite war criminals are being enlisted. Moreover, in defiance of common sense, a most active part in the rebuilding of German militarism is being taken by the present rulers of France, whose people suffered all the horrors of German aggression twice in one generation. It is easy to understand why America's rulers find it more convenient to have their plans in relation to Germany implemented by the obliging Frenchmen, under the guise of the 'Schuman Plan', the 'Pleven Plan' and the like. But the peoples of Europe cannot help realising

that this creates a serious menace to peace. The Soviet Government could not close its eyes to this gross violation not only of the Potsdam Agreement, but also of the Franco-Soviet Treaty of Alliance and Mutual Assistance, concluded in 1944. In special Notes, it warned the French Government of the dangers with which its present policy was fraught, and of the responsibility it bore for the situation that had arisen.¹

The American-British bloc recently steam-rollered through the so-called peace treaty with Japan.2 The U.S.A. has furthermore concluded a military agreement with Japan, and has openly set out to resurrect Japanese militarism. World public opinion is outraged by the fact that the great Chinese people, who suffered from Japanese aggression more than any other, and contributed greatly to the defeat of Japanese imperialism, was not allowed to participate in the peace treaty with Japan, while, at the same time, the Americans made great play of the signatures of the representatives of Honduras, Costa Rica and similar small, semi-colonial States, which not only had no share in defeating imperialist Japan, but, in the person of their numerous merchants and landlords, made good profit out of the war with her. It is no secret to anyone that this separate treaty with Japan does not serve the purpose of peace, but that of preparation for war. The Soviet Union, which has repeatedly insisted on the conclusion of a real and just peace treaty with Japan, on the basis of the Cairo and Potsdam declarations and the Yalta Agreement, would have betrayed its traditional policy of peace if it had put its signature to this 'peace' treaty. The value of this treaty is further reduced by the fact that India, the second largest Asian State in size and importance, had no part in its conclusion.

Those who are sponsoring the resurgence of German and Japanese militarism evidently have no wish to pay regard to either the German or the Japanese people, who suffered no less than the other nations from the war their recent rulers instigated. These peoples can expect nothing good from another war, and will scarcely consent to serve as cannon fodder for the American billionaires.

The aggressive nature of the policy of the American bloc is most clearly exposed by the armed intervention of the United States in Korea. The U.S.A.'s representatives have torpedoed every proposal made by the U.S.S.R. and other peace-loving States for the cessation of the American aggression in Korea; and are now doing all they can to drag out the Kaesong negotiations.³

We are confident that the courageous Korean people will emerge with credit from the sanguinary conflict provoked by the Americans, and will thereby demonstrate to the world once again that no force can subjugate a people that has the will to fight and win.

¹ See below, pp. 321-41.

³ See below, p. 634.

The United States is stubbornly endeavouring to turn the United Nations into an instrument of war. Under United States pressure, it lent its flag as a screen for American aggression in Korea, and then, in defiance of the old-established rights of nations, declared the Chinese People's Republic an aggressor. Honest people throughout the world cannot but admit the correctness of Comrade Stalin's statement that 'actually, the United Nations Organisation is now not so much a world organisation as an organisation for the Americans, catering to the needs of the American aggressors'.

The United States is doing everything to expand the aggressive Atlantic bloc and, by pressure, threats and various empty promises, is bringing new countries into it, including countries which geographically have no connection with the Atlantic zone, is establishing new military bases in all parts of the world, feverishly expanding production of weapons of all types and seeking cannon fodder in all corners of the globe.

The least manifestation of an anti-war sentiment—and this is particularly true of the United States—is ruthlessly suppressed and fascist police methods are being implemented in all departments of the State machine. Only wretched rags and tatters remain of the vaunted 'American democracy'. Even the American Press itself is obliged to admit this. Senator Chester Dempsey, of the State of Wisconsin, recently wrote in Capital Times that there was a time when Americans used to wonder at the servility of the Germans, under the influence of Hitler's and Goebbels' propaganda; but now they were in a worse plight than the Germans had ever been, for though control in America was complete, and Americans were in the grip of the military and their slander-mongering clique, U.S. statesmen have gone so far in their infatuation as to carry their police methods into international forums. Hitlerite political wirepullers might well have envied the fraudulent methods practised at the San Francisco Conference by the American diplomats, headed by Truman.

In the United States, the state machine is being more and more absorbed by capitalist monopolies. Formerly, the real masters of the country, the financial and industrial magnates, themselves remained in the background and left it to their political agents to defend their interests in the political sphere; but now they are openly taking America's administrative, political and diplomatic machine into their own hands. We know that the major affairs of the State are decided by Charles Wilson, a businessman of the Morgan group, who unceremoniously installs in key government posts representatives of the Morgan, Rockefeller, Mellon, Dupont and other major billionaire groups which are closely interlinked with one another

not only by economic but also by family ties. They are brazenly harnessing the country's economy to the interests of the billionaires.

Yet, with plutocracy and police rule running riot in his own country, President Truman has the audacity to talk insolently of the 'absence of democracy' in the Soviet Union, in the very country where, as is known, police rule and plutocracy have long since been overthrown and where power belongs to demos, the people.

Such, comrades, are the facts. They show that the American-British bloc has adopted a course of preparing and unleashing another war.

It is in these conditions that the Soviet Union, faithful to its peaceful policy, is conducting an indefatigable struggle for the prevention of war and the preservation of peace. At every session of the United Nations Assembly, at every sitting of the Security Council, at every meeting of the Council of Foreign Ministers, the Soviet Union in every way exposes the plans of the warmongers, and submits concrete proposals for the safeguarding of peace, and disinterestedly defends the rights and sovereignty of the nations. Everyone is familiar with the recent Soviet proposals for the conclusion of a peace pact among the five great Powers, for the reduction of the armed forces of the great Powers by one-third in the course of one year, and for the prohibition of atomic weapons, for a speedy conclusion of a peace treaty with Germany, to be followed by the withdrawal of all occupation forces, and for the establishment of an all-German democratic government. One of the most graphic illustrations of the Soviet Union's fight for peace was the adoption by the Supreme Soviet of the U.S.S.R. on March 12, 1951, of the Peace Defence Law, according to which persons guilty of war propaganda shall be committed for trial as major criminals.

Our foreign policy is backed by the might of the Soviet State. Only naive politicians can interpret its peaceable character as a sign of lack of confidence in our own strength. The Soviet people have shown the world time and again how well they can defend their Motherland. There was a time when our young and still weak Soviet Republic had to uphold its existence against the armed campaign of 14 bourgeois States led by the imperialist sharks of Britain, America, France, and Japan. We were besieged by enemies from the North and South, East and West. The country was in a state of economic dislocation and lacked bread for its workers and weapons for its army. The interventionists were certain that the days of the Soviet State were numbered, that they would quickly stifle it by armed force. But it turned out differently. 'All the world knows', Comrade Stalin wrote of the outcome of this campaign, 'that the British interventionists and their allies were hurled with disgrace out of our country by our victorious army.

'The gentry who are bent on instigating another war would do well to remember this.'

When, in June, 1941, fascist Germany, armed to the teeth and controlling at that time the war potential of practically the whole of Europe, treacherously attacked our country, not only Hitler's generals, who were intoxicated with their easy military successes in the West, but even many in the camp of those who were then our allies believed that the Soviet Army could hold out only for a few weeks, at most for a few months. Yet it was precisely against the strength and might of the Soviet Union that Hitler's war machine was shattered.

We persistently strive for peace not only because we do not need war, but also because the Soviet people, who have established in their country, under the banner of Lenin and Stalin, the most just of social systems, regard aggressive war as a heinous crime against mankind and the greatest misfortune that can befall the common people of the world. But, if the imperialist beasts of prey construe the peaceableness of our people as a sign of weakness, a more ignominious downfall awaits them than that which was experienced by their predecessors in the warlike ventures against the Soviet State. There is a good Italian proverb which says that 'he who refuses to learn a lesson, will learn it to his own cost'.

The ruling circles of the United States and Britain are trying to deceive world public opinion by alleging that they are compelled to arm because of the threat of an armed attack by the Soviet Union.

This false talk of the Soviet threat and of the insincerity of the Soviet peace proposals is not new. Such talk was used by European and American imperialists after the First World War as a screen for the arming of fascist Germany, for which many nations had to pay with their blood in the Second World War. But the worthy diplomats of the American-British bloc are mistaken if they think that the memory of the peoples is so short that they can succeed so easily in enmeshing them in a web of lies.

The peoples of the world judge the policies of governments not by their words but by their deeds. The Soviet Union has never evaded the strict observance of the treaty obligations it assumed. Its word is as good as its bond. It is strange, to say the least of it, to hear America's rulers accusing others of insincerity, when they themselves have grossly trampled upon the historic decisions of the Teheran, Yalta and Potsdam conferences. Whose words and deeds really diverge cannot be concealed from the peoples of the world.

In order to justify their aggressive policy towards the Soviet Union, the imperialist statesmen calumniously assert that the Soviet people deny the possibility of the peaceful co-existence of the two systems.

Already in the early years of Soviet Power, Lenin, the founder of our State, formulated the principle of peace and agreement with capitalist

States. 'Our path is a true one', Lenin said. 'We stand for peace and agreement, but we are against enslavement and the enslaving terms of agreement.' This Leninist principle constitutes the basis of the policy of the Soviet State. 'The basis of our relations with capitalist countries', Comrade Stalin has said, 'is recognition of the possibility of the coexistence of two opposite systems.' Comrade Stalin has also defined a feasible basis of agreement between the U.S.S.R. and the capitalist countries. 'Exports and imports', he pointed out, 'are the most suitable ground for such agreements. We require machinery, raw materials (cotton, for example), semi-manufactures (metals, etc.) while the capitalists require a market for these goods. There you have a basis for agreement. The capitalists require oil, timber, grain products and we require a market for these commodities. There you have a basis for agreement.' This was said in 1927. Today we have incomparably greater potentialities for business relations with capitalist countries. We have no objection to expanding considerably business-like co-operation on a basis of mutual advantage, with the United States, Britain, France, and other bourgeois countries, both in the West and East. It is not the fault of the Soviet Union that the ruling circles of these countries have, to the detriment of their own countries, taken the course of undermining and disrupting economic relations with the U.S.S.R.

The peaceful co-existence of the two systems also presumed political agreements. 'We are pursuing a policy of peace', Comrade Stalin has said, 'and we are prepared to sign pacts of non-aggression with bourgeois States. We are pursuing a policy of peace and we are prepared to come to an agreement concerning disarmament, up to and including the complete abolition of the standing armies, as we declared to the whole world already at the Genoa Conference. There you have the basis for agreement in the diplomatic field.'

But what the imperialists need is not agreement. They are scared of agreements with the Soviet Union, because they might upset their aggressive plans, render unnecessary the arms drive, which is a source of billions in super-profits. The imperialists need war. They need it for the robbery and enslavement of the nations. And American monopolists need it most of all, as a source of colossal super-profits.

The preparations for war are led by the American imperialists, yet United States leaders never tire of professing their pacific intentions. They are not opposed, you see, to 'preserving' peace, but only on 'conditions' that will be dictated by the United States. And what are these 'conditions'? The peoples of the world must go down on their knees before American capital, renounce their national independence, accept a form of government the American 'advisers' will impose on them, adopt the 'American way of life', develop only those branches of economy which the American

monopolists desire and find advantageous, and only to the extent that they desire and find advantageous. In a word, the nations must renounce their political sovereignty and economic independence, their cultural and other interests and become subjects of a newly-baked American empire. And this they call 'preserving' peace! Indeed, why should the American imperialist bosses risk war, when by bullying and brow-beating alone they could succeed in bending nations to their diktat? As we know, the maniac Hitler was also agreeable to 'peace conditions' like these. But it was precisely these imperialist 'peace conditions' which led to the Second World War. Obviously, when Truman advances similar 'peace conditions', he is following the path of Hitler and his aim is to drag the nations into a third world war.

Every honest person may legitimately ask himself: on what grounds does the United States claim an exclusive position among other countries? Are not the nations of the world equal? Perhaps on the grounds that it has plenty of gold, coined from the blood and suffering of millions and suitable for the purposes of bribery? But the nations do not barter their liberty. Let not the American imperialist gentry cherish the belief that, since they have succeeded in buying with their gold certain rulers of bourgeois countries, they have also bought the peoples of those countries.

The United States leaders cannot hide the fact that they need the arms race in order to dictate, under the threat of force, their predatory imperialist 'peace conditions' to other nations.

As you see, these gentry are always and everywhere chattering about peace, while at the same time making preparations to launch another war, openly indulging in sabre-rattling and vaingloriously boasting of the possession of some or other 'fantastic missiles'. Let them not think they can scare anybody with this. As for the Soviet people, only those who have lost all faculty of soberly assessing historical events can still think that the Soviet people can be scared by threats. Until now, every armed attack by the imperialist States on our country has invariably ended in an ignominious debacle, and today our State is stronger and mightier and our peoples are more solidly united and confident of their strength, than ever before. Let the gentry, intoxicated by war hysteria, know that if they attack our country, the Soviet people will be able to give them a reception that will wean them for ever from the desire to attempt insensate encroachments on the liberty and independence of our socialist Motherland.

If anybody has to fear the consequences of another world war, it is above all the capitalists of America and other bourgeois countries, for another war will make the peoples pause to think about the perniciousness of the capitalist system, which cannot live without war, and of the necessity for replacing this blood-thirsty system by another system, the socialist system, as was the case in Russia after the First World War, and as was the case in

the people's democracies of Europe and Asia after the Second World War.

It may appear at first glance that the imperialist camp represents a mighty integration of aggressive forces. Of course, these forces must not be underrated. However, the camp of peace is much stronger than the camp of war. Whereas the camp of peace is united by a common aim, in the camp of war there are serious divergences of interests, and many countries have been coerced into joining this camp through their economic dependence on the United States, as a consequence of the notorious 'Marshall Plan'.

The superficial unity of the imperialist front cannot conceal its profound internal antagonisms, chiefly due to the competitive struggle for sources of raw materials, markets and spheres of capital investment. These antagonisms are interwoven and embrace all the countries of the imperialist camp, but the chief of them are antagonisms between the United States and Britain, both in Europe and Asia.

It is scarcely to be doubted that the antagonisms in the imperialist camp will become deeper as time goes on.

An even more serious factor is the weakness of the imperialist rear. However the imperialists may try to enmesh the peoples in lies, however the right-wing socialists, those zealous servitors of imperialism in betraying the interests of the working people, may exert themselves, the fact remains that in the imperialist camp itself, in the imperialist rear, there are impressive forces of peace in the shape of millions of honest people, workers by hand and brain who set higher store in the preservation of peace than in any wretched sops capital may throw them. The anti-war sentiment of the masses is bound to grow because of the heavy burden the colossal expenditure, the preparation for war lays upon the backs of the working people.

The weakness of imperialism's rear also finds expression in the growth of the national liberation movement in the colonial and dependent countries. The people of Viet Nam are fighting heroically for their liberation, so are the peoples of the Philippines, Burma, and Malaya; the people of Indonesia have not laid down their arms; the forces of resistance to imperialism are growing in the Near and Middle East and in North and South Africa.

The economies of the leading imperialist countries, and above all of the United States, are constantly menaced with upheavals. The militarisation of economy taking place in the United States, Britain and other capitalist countries—the incredible inflation of the war industries and of the branches that serve these industries, at the expense of production for civilian consumption—is bound to lead to economic collapse in the near future. I shall not speak of the millions of unemployed in the United States.

Such is the picture in the camp of imperialism and war.

Quite different is the situation in the camp of democracy and peace. The forces of this camp, which is immune from all internal antagonisms, are growing in size and strength from day to day. I have already spoken of the progress of the Soviet Union, which is the chief and leading force in the camp of democracy and peace. The people's democracies also, are marching from achievement to achievement. Having, thanks to the advantages of their new social system, quickly eliminated the severe aftermath of war, the peoples of these countries are developing their economies at a rapid pace. Compared with pre-war, industrial output by the end of the first half of this year had increased by more than two and a half times in Poland and Hungary, more than three times in Bulgaria, more than half as much again in Czechoslovakia, more than double in Rumania and more than four times in Albania. As in our country, industrial development in these countries serves to satisfy the requirements of the working people and to promote further peaceful development. With economic progress, the whole cultural pattern of these countries is changing; science, literature and arts are advancing; and a new type of individual is arising; one who understands the vital interests of his people and is capable of defending them. A new social and political order has been fully consolidated, ensuring the unswerving advance of these countries along the road to socialism.

Big achievements have been registered by the Chinese People's Republic, which occupies one of the leading positions in the struggle for peace. In the short period of its existence, the Chinese People's Republic has been able, under the guidance of the Chinese Communist Party, to strengthen the system of people's democratic dictatorship, and to solve a number of important economic and political problems, in the struggle for complete economic independence from the capitalist world, for industrialisation of the country and for cultural progress.

The work of peaceful construction is successfully proceeding in the German Democratic Republic, which has firmly taken its place in the camp of democracy and peace. It is persistently battling for the vital interests of the entire German people, for an independent, united, democratic and peace-loving Germany, for the conclusion of a just peace treaty, ensuring the German people a worthy place among the nations of the world.

Unlike the countries of the imperialist camp which are engaged and cannot but be engaged, in bitter rivalry among themselves, the countries of the democratic camp are developing their economies on the basis of close co-operation and mutual assistance.

Thus, morally and politically, as well as economically, the camp of democracy and socialism represents a united and indestructible force. Its

strength is enhanced by the fact that it champions the righteous cause of defending the liberty and independence of the nations. And this means that if the ringleaders of the imperialist camp risk unleashing a war after all, there can be no doubt that it will end in the crash of imperialism itself.

Comrades! One of the greatest popular movements of modern times is the movement for peace. In spite of all obstacles, in spite of the persecution of peace supporters by the ruling circles of the imperialist States, the peace movement has assumed unparalleled scope, embracing all countries and all sections of the population, irrespective of political, religious or other convictions. The champions of peace all over the world are inspired by the words of Comrade Stalin, the great standard-bearer of peace: 'Peace will be preserved and strengthened if the peoples take into their own hands the cause of the preservation of peace and defend it to the end.'

The initiators and leading force of the battle for peace in all countries are the Communist Parties. Thanks to their dauntlessness and self-sacrifice, in the fight for the vital interests of the working people, and in defence of peace and the sovereignty of the nations, the Communist Parties have won the confidence of the broad masses of the people.

2. The World Peace Movement

(i) Appeal for a five-power peace pact, launched by the World Peace Council at its meeting in Berlin, 21-25 February 1951

To fulfil hopes cherished by millions of people throughout the world whatever may be their view of the causes that have brought about the danger of world war;

To strengthen peace and safeguard international security;

We demand the conclusion of a peace pact among the five great Powers—the United States of America, the Soviet Union, the Chinese People's Republic, Great Britain and France.

We would consider a refusal to meet to conclude such a pact, by the Government of any of the great Powers whichever it might be, as evidence of an aggressive design on the part of the Government in question.

We call upon all peace-loving nations to support the demand for this peace pact, which should be open to all countries.

We set our names to this Appeal and we invite all men and women of good will, all organisations that hope for peace, to add their names in its support.

(ii) Resolutions adopted by the World Peace Council at its meeting in Berlin, 21-25 February 1951¹

GERMANY

Violating the will of the peoples on whose behalf peace treaties were signed which contain a categorical decision concerning the disarmament of Germany, militarist and Nazi forces are being revived.

This restoration of the armed forces and of the war industry of Germany

represents a most serious danger of another world war.

The World Peace Council notes with satisfaction the growth of the peace-loving forces in Germany and the success of the Essen Peace Congress.

It greets all friends of peace in Germany who jointly with all peaceloving trends are preparing the carrying through of a referendum which will express the will of the German people concerning the remilitarisation of their country and the conclusion of a peace treaty designed to put an end to the existing threatening situation.

The World Peace Council calls upon all the countries most immediately threatened to unite in a mighty protest so that millions of men and women compel their governments to conclude this year a peace treaty with a peace-loving and single Germany whose demilitarisation, ensured by international agreement, would be the best guarantee of peace in Europe.

JAPAN

Implementing the decisions of the Second World Peace Congress, the World Peace Council resolutely condemns the remilitarisation of Japan carried out by the occupying Power despite the will of the Japanese people.

The World Peace Council considers it necessary to organise in Japan and in the appropriate countries of Asia, America and Oceania country-wide polls on the remilitarisation of Japan and on the conclusion of a peace treaty with a demilitarised, peace-loving Japan.

The World Peace Council condemns any attempts to conclude a separate peace with Japan.

It considers that the peace treaty must be the subject of negotiations among the People's Republic of China, the United States, the Soviet Union and Great Britain, and subsequently must be adopted by all the countries concerned.

After the conclusion of the peace treaty the occupation forces must immediately be withdrawn from Japan. The Japanese people must be guaranteed a democratic, peaceful existence.

All overt and secret military organisations and institutions must be banned and the whole of industry switched on to a peace footing.

Daily Worker, 28 February 1951.

The World Peace Council calls upon the friends of peace, in Asia and the Pacific area, including Japanese friends of peace, in the very near future to come together peacefully at a regional conference in defence of peace so as really to implement a peaceful settlement of the Japanese problem, so as to remove in this way the serious danger of war in the Far East.

U.N. AND CHINA

The World Peace Council recalls the definition of the concept of aggres-

sion adopted by the Second World Peace Congress:

'Aggression is a criminal act on the part of that State which first uses armed force, under any pretext whatever, against another State', and declares the decision adopted by the United Nations General Assembly, declaring the People's Republic of China an 'aggressor' in Korea to be unjust and illegal.¹

This decision is a serious obstacle to the peaceful settlement of the Korean problem and creates a threat of extending war in the Far East and thereby

the danger of the outbreak of another world war.

The World Peace Council demands of the United Nations the annulment of this decision.

Korea

With the aim of a peaceful settlement of the Korean problem the World Peace Council demands the immediate calling of a conference of all the countries concerned.

We appeal to all peace-loving people in all countries to demand that their governments support the immediate calling of the aforementioned conference.

The World Peace Council resolutely maintains the opinion that foreign troops must be withdrawn from Korea so that the Korean people shall be able themselves to decide their internal affairs.

(iii) Resolution on disarmament adopted by the World Peace Council at its meeting in Vienna, 1–7 November 1951²

The arms race is laying the basis for economic chaos and driving the peoples to poverty; it can only lead to war.

It is untrue to claim that inflated armaments can be the effective way to negotiation.

An arms race proceeding in mutual ignorance of the strength of arma-

² Daily Worker, 10 November 1951.

ments on either side creates mistrust; the only way to security lies in a fair and controlled disarmament.

That is why we call on the Five Great Powers—the United States, the Union of Socialist Soviet Republics, the People's Republic of China, Great Britain and France—which have the biggest armaments and to which the United Nations Charter assigned the duty of guarding world peace, to conclude a Disarmament Convention.

Thus they would show their desire for peace.

In this convention the Five Great Powers must agree on the absolute prohibition of atomic weapons, and of any kind of weapon derived from atomic energy, as well as of all other weapons of mass destruction.

This prohibition must be ensured by a strict control, not only over declared weapons and factories, but also over weapons and factories whose existence may be suspected.

In this convention the Five Great Powers must agree on the gradual and controlled reduction of every kind of armaments.

We urge an arms reduction amounting, by the end of 1952, to between a third and a half of the total of arms declared, checked and discovered, using such methods as will safeguard the security of all concerned at every stage of the process.

We propose that the relative proportions and time schedules applicable to reduction of the various types of arms, armed forces and arms production be fixed by reference both to the actual level of arms, armed forces and arms production, and to the number of inhabitants, length of frontiers and communications system of each country concerned.

The adoption of the international convention, banning atomic weapons and reducing arms by between a third and a half, must be followed immediately by the undertaking of a general census of all types of arms and armed forces, and the putting into operation of an international inspection and control system, to check the carrying out of the measures prescribed in the convention.

This international control must be exercised not only over the declarations made by the signatories to the convention, but also to check the suspected existence of any arms, armed forces or means of arms production which have not been declared.

Our appeal is addressed to the United Nations, to the Five Great Powers and to the peoples. It is in the spirit of the resolutions of the Second World Peace Congress, held in Warsaw, November 16-22, 1950.1

Gradual and simultaneous arms reduction, a step in the direction of total disarmament, though it may not please arms manufacturers, will dispel the fear of aggression, strengthen the security of every people and relieve them from crushing burdens.

¹ Documents (R.I.I.A.) for 1949-50, p. 145.

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(i) STATEMENT BY THE UNITED STATES DEPARTMENT OF STATE ON THE APPLICATION OF THE TRADE AGREEMENTS EXTENSION ACT OF 1951, 6 July 1951²

Sections 5 and 11 of the Trade Agreements Extension Act of 1951, which was signed recently by President Truman, require the President, as soon as practicable, to take action to deny the benefits of trade agreement concessions to imports from the U.S.S.R. and its satellites and to prevent the importation of certain furs from the U.S.S.R. and Communist China. The Department of State accordingly delivered to the Soviet Embassy on June 23, 1951, a note giving notice according to provisions of the agreement, of the termination of the commercial agreement of August 4, 1937, with the U.S.S.R. as renewed by the exchange of notes signed on July 31, 1942. The agreement will terminate 6 months from the date of notice of intention to terminate. On June 27 similar action was taken to terminate the provisional commercial agreement of August 20, 1930, with Rumania, which provides for a 30-day notification of intention to terminate.³

A request to notify the Bulgarian Government of termination of the provisional commercial agreement of August 18, 1932, with Bulgaria has been conveyed to the Government of Switzerland.⁴ This procedure is being followed in view of the suspension of relations between the United States and Bulgaria in February 1950. The agreement with Bulgaria provides for advance notice of three months for denunciation.

With Hungary and Poland, the most-favored-nation provisions in customs matters are parts of broader treaties of friendship, commerce, and consular rights. In the treaty between the United States and Hungary signed June 24, 1925, the most-favored-nation provisions appear in article VII. In the treaty between the United States and Poland signed on June 15, 1931, the most-favored-nation provisions are continued in article VI. The Hungarian treaty requires that notice of termination be given 1 year in advance; the Polish treaty prescribes a 6-month period of notice.

Notices to modify these treaties by terminating articles VII and VI respectively, or to terminate the treaties as a whole, were delivered to the Hungarian and Polish representatives in Washington on July 5, 1951. It is also anticipated that the President will promptly take action to set in motion the operation of section 5 (denial of tariff concessions) of the newly

Signed on 16 June 1951: Public Law 50, 82nd Congress, 1st Session.

² Department of State Bulletin, 16 July 1951, p. 95. For other discriminatory trade measures taken by the U.S.A. against the U.S.S.R. and its satellites see the Third Supplemental Appropriation Act and the Mutual Defense Assistance Control Act of 1951, above, pp. 43 and 52.

³ For the texts of these notes see Department of State Bulletin, 16 July 1951, pp. 95-96.

⁴ See ibid. 1 October 1951, p. 550.

enacted Trade Agreements Extension Act in the case of satellite countries and areas with which the United States has no commercial agreement, as well as section 11 (fur embargo) with respect to Communist China.

(ii) THE McMahon-Ribicoff Resolution

(a) Letter from President Truman to President Nikolai Shvernik transmitting a resolution of the United States Congress, 7 July 1951¹

I have the honor of transmitting to you a resolution adopted by the Congress of the United States with a request that its contents be made known by your government to the people of the Soviet Union.

This resolution expresses the friendship and good will of the American people for all the peoples of the earth and it also reemphasizes the profound desire of the American Government to do everything in its power to bring about a just and lasting peace.

As Chief Executive of the United States, I give this resolution my sincere approval. I add to it a message of my own to the Soviet people in the earnest hope that these expressions may help form a better understanding of the aims and purposes of the United States.

The unhappy results of the last few years demonstrate that formal diplomatic negotiations among nations will be largely barren while barriers exist to the friendly exchange of ideas and information among peoples. The best hope for a peaceful world lies in the yearning for peace and brotherhood which lies deep in the heart of every human being. But peoples who are denied the normal means of communication will not be able to attain that mutual understanding which must form the basis for trust and friendship. We shall never be able to remove suspicion and fear as potential causes of war until communication is permitted to flow, free and open, across international boundaries.

The peoples of both our countries know from personal experience the horror and misery of war. They abhor the thought of future conflict which they know would be waged by means of the most hideous weapons in the history of mankind. As leaders of their respective governments, it is our sacred duty to pursue every honorable means which will bring to fruition their common longing for peace. Peace is safest in the hands of the people and we can best achieve the goal by doing all we can to place it there.

I believe that if we can acquaint the Soviet people with the peace aims of the American people and government, there will be no war.

I feel sure that you will wish to have carried to the Soviet people the text of this resolution adopted by the American Congress.

Department of State Bulletin, 16 July 1951, p. 87.

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(b) A Declaration of Friendship from the American people to all the peoples of the world, including the peoples of the Soviet Union—the McMahon–Ribicoff Resolution, 26 June 1951¹

Whereas the goal of the American people is now, and ever has been, a just and lasting peace; and

Whereas the deepest wish of our Nation is to join with all other nations in preserving the dignity of man, and in observing those moral principles which alone lend meaning to his existence; and

Whereas in proof of this, the United States has offered to share all that is good in atomic energy, asking in return only safeguards against the evil in the atom; and

Whereas the Congress reaffirms its policy as expressed in law 'to continue to exert maximum efforts to obtain agreements to provide the United Nations with armed forces as contemplated in the Charter and agreements to achieve universal regulation and reduction of armaments, including armed forces, under adequate safeguards to protect complying nations against violation and evasion'; and

Whereas this Nation has likewise given of its substance and resources to help those peoples ravaged by war and poverty; and

Whereas terrible danger to all free peoples compels the United States to undertake a vast program of armaments expenditures; and

Whereas we rearm only with reluctance and would prefer to devote our energies to peaceful pursuits; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States reaffirms the historic and abiding friendship of the American people for all other peoples, and declares—

That the American people deeply regret the artificial barriers which separate them from the people of the Union of Socialist Soviet Republics, and which keep the Soviet peoples from learning of the desire of the American people to live in friendship with all other peoples, and to work with them in advancing the ideal of human brotherhood; and

That the American people believe the Soviet Government could advance the cause of peace immeasurably by removing those artificial barriers, thus permitting the free exchange of information between our peoples; and

That the American people and their Government desire neither war with the Soviet Union nor the terrible consequences of such a war; and

That, although, they are firmly determined to defend their freedom and security, the American people welcome all honorable efforts to resolve the differences standing between the United States Government and the Soviet Government and invite the peoples of the Soviet Union to cooperate in a spirit of friendship in this endeavor; and

¹ Department of State Bulletin, 3 September 1951, p. 381.

That the Congress request the President of the United States to call upon the Government of the Union of Socialist Soviet Republics to acquaint the peoples of the Soviet Union with the contents of this resolution.

- (iii) The Resolution of the Presidium of the Supreme Soviet of the U.S.S.R.
- (a) Letter from President Shvernik to President Truman transmitting a resolution of the Presidium of the Supreme Soviet, 6 August 1951¹

Your Excellency,

I have the honor to acknowledge the receipt of your communication of July 7, 1951, and of the enclosed resolution of the Congress of the United States of America and to transmit to you a resolution of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

This resolution expresses the feelings of sincere friendship of the peoples of the Soviet Union toward the peoples of the whole world—it speaks of the fact that the Soviet people is unified in its attempts to establish a stable peace and to eliminate the threat of a new war.

The Soviet people has no basis for doubting that the American people also do not want war.

However, the Soviet people know well that there exist in some states forces which are striving to unleash a new world war, in which the circles in question see the source of their own enrichment. The peoples of the Soviet Union believe that there will be no war if the peoples take into their own hands preservation of peace and defend it to the end, unmasking the attempts of those forces which have interests in war and which are trying to draw the people into another war.

I share your opinion that a desire for peace and brotherhood exists in the hearts of a majority of people. Therefore, governments which not with words but with deeds are striving to support peace must encourage by every means the peaceful strivings of their people.

The Soviet Government assists in every way the unification of the efforts of the Soviet people fighting for peace with the efforts of the peoples of other countries. It hospitably receives communications of peace from any country and by every means contributes to the intercourse of the Soviet people with the peoples of other countries, placing no barriers in the path.

There is no doubt that friendship between peoples which is mentioned in your communication pre-supposes the development of political, economic and cultural relations and connections between peoples on a basis of equal rights. There is also no doubt that a most important step on this road must be the elimination of any discrimination with regard to the Soviet Union on the part of the American authorities.

¹ Ibid., 20 August 1951, pp. 294-6.

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The duty of all peace-loving peoples consists in steadfastly carrying on a policy of war prevention and preservation of peace, of not permitting arms races, of attaining limitation of armaments and the prohibition of atomic weapons with the establishment of inspection over the implementation of such a prohibition, and of cooperating in the conclusion of a Five Power Pact for the strengthening of peace.

The conclusion of such a pact would have an exceptionally important significance in the improvement of Soviet-American relations and the strengthening of peace among peoples. Such a pact would raise the confidence of all peoples in the preservation of peace and, moreover, would permit the possibility of limiting armaments, of lightening the burden of military expenditures, which lie with all their heaviness on the people's shoulders.

In implementing the indicated measures the American people will always find full cooperation on the part of the Soviet people, who unalterably defend the cause of peace.

I hope that the text of the resolution of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics will be brought to the attention of the American people.

I take this occasion to request you to transmit to the American people my greetings and good wishes from the people of the Soviet Union.

Moscow, August 6, 1951

NIKOLAI SHVERNIK

President of the Presidium of
the Supreme Soviet of the Union
of Soviet Socialist Republics

His Excellency

HARRY S. TRUMAN

President of the United States of America

(b) Text of the Resolution

Being informed of the joint resolution adopted by the Senate and the House of Representatives of the U.S.A., which was transmitted together with a letter from Mr. Truman, President of the U.S.A., on July 7 of this year, the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics, combining the work of both Houses—the Council of the Union and the Council of the Nationalities of the Supreme Soviet of the U.S.S.R., considers it necessary to make the following statement:

1. Expressing the will of the peoples of the Soviet Union for peace, the Soviet Government always conducts a policy directed toward strengthening peace and establishing friendly relations between states. The principle of this policy was laid down in the Peace Decree adopted by the Second Congress of Soviets on November 11, 1917, as soon as the Soviet State was

formed. Since that time the foreign policy of the Soviet Union has remained unchanged, being directed toward the strengthening of peace and friendly relations among peoples.

After the Second World War, when, as the result of the joint efforts of the allies, the forces of the aggressors were smashed, the aggressive states were disarmed, an international organization was established for the maintenance of peace and the prevention of the outbreak of any new aggression, conditions were created for the establishment of a lasting peace. As is known, in the matter of strengthening international security the Soviet Government assumed the initiative, coming forth with a proposal for general reduction in armaments, including as its primary mission the prohibition of the production and utilization of atomic energy for war purposes.

Subsequently, in defending the cause of peace and expressing the inflexible determination of peoples to prevent the threat of a new war, the Soviet Government has twice introduced a proposal that the United States, Great Britain, China, France and the Soviet Union unite their efforts for the purpose of supporting international peace and security and conclude a peace pact among themselves. The initiative of the Soviet Government met with fervent support and approval on the part of the peace-loving peoples of the entire world. The Soviet people cannot understand what peace-loving motives the Government of the USA can have in hitherto rejecting the proposal of the Soviet Government for the conclusion of a peace pact between the five powers.

After the outbreak of the military conflict in Korea and the open armed intervention of the USA in Korea, the Soviet Union made repeated proposals for a peaceful settlement of the Korean conflict. Recently the Soviet Union again advanced a proposal to put an end to the bloodshed in Korea which has even led to negotiations for an armistice and a cessation of

military activities in Korea.1

The peace policy of the Soviet Union is based on the full and unconditional support of the peoples of the Soviet Union, in which there are no classes and groups which are interested in unleashing a war. The Soviet Union has no aggressive plans and does not threaten any country or any peoples. The armed forces of the Soviet Union are not waging war anywhere and are not taking part in any military actions. The peoples of the Soviet Union are completely absorbed in executing the tasks of peaceful construction. The Soviet State is developing the construction of magnificent hydro-electric stations and irrigation systems and is creating conditions for the steady future improvement of the standard of living of the population of the country.

2. In the resolution of the Senate and the House of Representatives

¹ See below, p. 633.

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of the USA it is stated that the American people deeply regret the presence of 'artificial barriers' that separate them from the peoples of the Soviet Union.

The Presidium of the Supreme Soviet of the USSR must state that the foreign policy of the Soviet Union does not place any obstacles in the way of friendship of the Soviet people with the American people or with other peoples, and does not create any obstacles to the establishment of business,

trade and friendly relations between them.

However, this cannot be said of the foreign policy that is being conducted by the organs of authority of the USA. This is proven not only by such facts as the systematic refusal on the part of the American authorities to issue visas for entry into the USA to agents of Soviet culture and their expulsion in spite of permits for entering the USA previously received through legal channels, but also a number of other measures of the Government of the USA of a discriminatory character with respect to the Soviet Union. For example, this is confirmed by the following facts:

(a) In December 1949 the American Immigration Authorities on the Virgin Islands, without any justification, issued an order by which the crews of two Soviet fishing vessels, the *Trepang* and the *Perlamutr*, which had called at St. Thomas for minor repairs and taking on water, were forbidden

to come ashore.

(b) In July 1950 in the port of Baltimore the Soviet SS Krasnodar was subjected to an indiscriminate search by the American authorities, and in violation of generally accepted international custom police agents remained on board the steamship after the search until the very moment when it put to sea.

(c) On March 18, 1948 the American authorities arbitrarily seized the Soviet vessel Rossiya which had arrived in New York and which is state property of the Soviet Union, on the grounds of searching for two parti-

cular passengers of this vessel.

(d) In March 1949 the Immigration Authorities in New York proposed to the Soviet Representatives who were present at the Congress of Cultural and Scientific Workers of the USA in Defense of Peace, to leave the United States within a week under the threat of application of administrative measures against them in case they did not comply with this order.

(e) In October 1950 at the Brumm airport in New York two Soviet diplomatic couriers were detained in spite of the fact that they had Ameri-

can diplomatic visas on their passports.

(f) In March 1951 the Department of Commerce issued an order to annul the licensing for exporting scientific and technical literature to the Soviet Union.

(g) Recently in front of the building of the Mission of the USSR at the United Nations in New York there have been gathering, with the con-

nivance of the police, gangs of hooligans who interfere with the normal work of the Mission and threaten the personal security of its members. On the second of August the First Secretary of the Mission, A. S. Polyanski, who possesses diplomatic immunity, was, on his exit from the Mission, subjected before the eyes of the police to an attack by hooligans who hit him on the head with sticks.

- (h) On the 23rd of June of this year, only a few days before the President of the United States of America sent the Resolution of the Congress of the USA to the President of the Presidium of the Supreme Soviet of the USSR, N. M. Shvernik, the Government of the United States of America denounced the Trade Agreement concluded between the USSR and the USA in 1937.¹
- (i) On June 2 of this year a law was passed by the Congress which demanded that countries receiving so-called economic and financial aid from the USA practically eliminate trade with the Soviet Union and with the countries of the Peoples' Democracies under threat of termination of this aid.²
- (j) The prohibited lists published on June 7 of this year in connection with this law include almost all goods entering into international trade.
- (k) On August 2, even after the approach of the Congress of the USA to the Supreme Soviet of the USSR, the House of Representatives of the Congress passed a new law which, under the pretext of prohibiting shipments of strategic materials, provides for measures directed toward the termination of trade with the Soviet Union and with countries friendly to the Soviet Union.³

The discriminatory measures in the trade field indicated above have led to the result that the exchange of goods between the USSR and the USA over the past five years beginning with 1946 has dropped more than six times and has reached an almost non-existent level.

Thus all these facts bear witness that on the part of the organs of power of the United States of America there is carried on a policy of discrimination toward the USSR and artificial barriers are being set up which interfere with the free intercourse of the Soviet and American peoples and which are pushing our countries apart from each other.

There arises a legitimate question how to reconcile the statements contained in the resolution of the Congress of the USA regarding the necessity for the elimination of barriers in relations between the peoples of the two countries with the above-mentioned acts of the American authorities.

The Soviet people have no doubt that the American people, like all other peoples, do not want war. However, as history shows, questions of peace and war are not always decided by the people. The statements of many responsible representatives of the Government of the United States

¹ See above, p. 308.

² See above, p. 43.

of America, and also of members of the Congress of the USA contain direct appeals for the unleashing of aggressive war against the peoples of the USSR, for the use of weapons of mass destruction against the peaceful population. Such statements, which contradict not only the interests of peace but also the elementary requirements of human morality, must call forth condemnations on the part of the Congress of the United States.

3. The Government of the United States of America came forth as the initiator of the establishment of the North Atlantic military union directed, it is clear, against the USSR. It has established a wide network of military bases on foreign territory near the frontiers of the USSR and, in infringement of obligations taken upon itself, is putting into effect the remilitarization of Western Germany and is reestablishing Japanese militarism. At the same time there is being implemented in the United States of America a gigantic armament program.

The Government of the USA has unalterably refused all proposals of the Soviet Government aimed at strengthening peace and international security. Thus, up to this time there has not been achieved an agreement for the conclusion of a Peace Pact between the Five Powers, for the prohibition of atomic weapons and for the establishment of inspection over the implementation of this prohibition, and also for the limitation of armaments and armed forces. In the Resolution of the Congress the thought is set forth that now the path is open for the use of atomic energy for peaceful purposes. At the same time there is no doubt that only after the prohibition of atomic weapons can atomic energy actually be used for peaceful purposes, for the welfare of peoples.

The Soviet people are daily convinced that the policy and actions of the Government of the United States of America diverge from its verbal declarations regarding the preservation of peace, and equally from the peace-loving desires of the American people, and that there are being established conditions for the further worsening of relations with the Soviet Union, although no danger has threatened and does not threaten the United States from the Soviet Union.

4. It goes without saying that one can only welcome the approach of the Congress of the U.S. to the Soviet people and its appeal for the strengthening of friendly relations between the U.S. and the Soviet Union. However, an approach by words with an appeal for cooperation in the improvement of relations between the USSR and the USA and in the strengthening of international peace can give positive results only in the event that there is no divergency between it and the deeds of the Government of the USA, the policy and actions of the Government of the United States of America.

However, inasmuch as the Congress of the USA states that it is seeking a path toward the improvement of relations with the Soviet Union, it can have no doubts that such attempts by the Congress will find a response in

the peace-loving efforts of the Soviet people and the peaceful policy of the Soviet Union.

The Presidium of the Supreme Soviet considers that one of the serious steps on this road could be the elimination of the discrimination toward the Soviet Union in all fields of international relationships which hinder normal relations between our countries.

A still more important step in the matter of improving relations between our countries and the strengthening of peace between peoples could be the conclusion of the Peace Pact between the Five Powers, to which could also adhere other states which are striving to strengthen peace.

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics has no doubt that all peoples striving for the preservation of peace would greet with great satisfaction the conclusion of such a pact.

The Presidium of the Supreme Soviet expresses the hope that the Congress of the United States of America will bring the present Resolution to the attention of the American people.

August 6, 1951.

- (iv) Exchanges between the U.S.S.R. and the U.S.A. on the Mutual Security Act
- (a) Section 101 (a) (1) of the Mutual Security Act of 1951—the Kersten Amendment
 —approved 10 October, 1951¹
- SEC. 101. (a) In order to support the freedom of Europe through assistance which will further the carrying out of the plans for defense of the North Atlantic area, while at the same time maintaining the economic stability of the countries of the area so that they may meet their responsibilities for defense, and to further encourage the economic unification and the political federation of Europe, there are hereby authorized to be appropriated to the President for the fiscal year 1952 for carrying out the provisions and accomplishing the policies and purpose of this Act—
- (1) not to exceed \$5,028,000,000 for assistance pursuant to the provisions of the Mutual Defense Assistance Act of 1949, as amended (22 U.S.C. 1571-1604), for countries which are parties to the North Atlantic Treaty and for any country of Europe (other than a country covered by another title of this Act), which the President determines to be of direct importance to the defense of the North Atlantic area and whose increased ability to defend itself the President determines is important to the preservation of the peace and security of the North Atlantic area and to the security of the United States (any such determination to be reported forthwith to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Armed

¹ Public Law 165, 82nd Congress, 1st Session. For further extracts from the Act see above, p. 44.

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Services of the Senate and of the House of Representatives), and not to exceed \$100,000,000 of such appropriation for any selected persons who are residing in or escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Lithuania, Latvia, and Estonia, or the Communist dominated or Communist occupied areas of Germany and Austria, and any other countries absorbed by the Soviet Union either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or for other purposes, when it is similarly determined by the President that such assistance will contribute to the defense of the North Atlantic area, and to the security of the United States. . . .

(b) Note from the U.S.S.R. to the U.S.A. protesting against the provisions of the Kersten Amendment, 21 November 1951¹

The Government of the Union of Soviet Socialist Republics deems it necessary to state the following to the Government of the United States of America.

On October 10 this year the President of the United States of America, Mr. Truman, signed the 'Mutual Security Act of 1951', which envisages special appropriations of one hundred million dollars for financing any selected persons residing in the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania... or persons who fled from these countries or for uniting them into detachments of armed forces supporting the North Atlantic Treaty Organisation or for other purposes.

Thus, funds appropriated under this law are designed for the financing of the subversive activity of persons and armed groups which is directed against the Soviet Union and other States mentioned in the law.

The law envisages the financing of persons and armed groups on the territory of the Soviet Union and a number of other States for carrying out subversive activity and sabotage within the above States.

It is not difficult to understand also that the law envisages the financing of traitors to the country and war criminals who fled from their countries and found refuge on the territory of the United States and a number of other States, and the financing of armed groups for struggle against the Soviet Union.

The adoption by the United States of such a law is an act without precedent in the relations among States, and constitutes the crass intervention of the United States in the internal affairs of other countries. At the same time it represents an unparalleled violation of the standards of international law, and is incompatible with normal relations between countries and with respect for State sovereignty. The adoption of such a

law cannot be regarded other than as an aggressive act aimed at further complicating the relations between the United States and the Soviet Union, and aggravating the international situation.

The Soviet Government deems it necessary to draw the attention of the United States Government to the fact that the signing of this law by the United States President constitutes the crass violation by the American Government of commitments it has assumed with regard to the Soviet Union on the basis of the exchange of letters on November 16, 1933, between the People's Commissar of Foreign Affairs of the U.S.S.R., M. M. Litvinov, and the President of the United States, Mr. F. D. Roosevelt, during the establishment of diplomatic relations between the Soviet Union and the United States.

Under this Agreement, the Governments of the U.S.S.R. and the United States mutually undertook to respect the sovereignty of both States, and to refrain from any interference in each other's internal affairs. Both Governments undertook strictly to refrain from any acts tending to incite or encourage armed intervention against the other contracting party.

The Agreement directly points out that the Government of the United States and the Government of the Soviet Union undertook not to set up, not to subsidise, and not to support military organisations or groups which have as their aim armed struggle against the other side, and to prevent any recruiting for such organisations and groups. The Agreement further points out that the sides undertake to prevent the setting up of such organisations and groups which have as their aim the struggle against the political or social system of both States.

Thus, during the establishment of diplomatic relations, the United States and the Soviet Union undertook to develop these relations on the basis of mutual respect for the sovereign rights and non-interference in the internal affairs of each other. There is no need to stress that this was in conformity with the interests of both States, and at the same time corresponded to the interests of universal peace.

The adoption of the law envisaging the appropriation of one hundred million dollars for subversive activity and sabotage against the Soviet Union shows that the Government of the United States, crassly violating the commitments it has assumed, thereby continues to pursue a policy of further worsening relations with the Soviet Union and further aggravating the international situation.

It is self-understood that the Government of the United States has no right whatever to set up sabotage groups and armed detachments for conducting subversive activity against the Soviet Union. By this Act, the Government of the United States merely exposes itself as an enemy of peace, as a violator of the commitments it has assumed, who uncere-

¹ See Survey for 1933, pp. 530 seqq.

moniously tramples upon the elementary standards of international law and the relations between States.

The Soviet Government lodges a resolute protest with the Government of the United States regarding this new aggressive Act of the Government of the United States towards the Soviet Union, and the crass violation by the United States of the commitments it assumed on the strength of the Agreement of November 16, 1933. The Soviet Government deems it necessary to state that all responsibility for such actions rests with the Government of the United States and it expects that the Government of the United States will take appropriate measures for repealing the above law.

(c) Draft Russian resolution demanding the repeal of the Mutual Security Act, defeated in the United Nations Political Committee on 21 December 1951¹
The General Assembly

Condemns the 'Mutual Security Act of 1951', adopted in the United States of America and providing for the appropriation of funds for subversive activities against certain States, as an act of aggression and as interference in the internal affairs of other States, in contravention of the principles of the United Nations Charter and of the generally-acknowledged rules of international law; and

Recommends the Government of the United States of America to take the necessary measures to repeal this Act.

(d) United States reply to the Russian note of 21 November, 19 December 19512

The United States Government categorically rejects the Soviet Government's allegations that the Act constitutes interference in the internal affairs of the U.S.S.R. or a violation of the undertakings in the Roosevelt-Litvinov correspondence of November 16, 1933.

The Mutual Security Act, by its very title and by all its provisions, is clearly designed to strengthen the defense of the Free World and, as regards Europe, to support European freedom through assistance to the defense of the NATO countries. The provision of the Act to which the Soviet Government referred is intended to provide assistance for victims of oppression, when such assistance has been determined to contribute to the defense of the North Atlantic area. Assistance of this nature is in keeping with the traditional United States policy of helping victims of oppression, in this instance those Eastern Europeans who have escaped or may escape to the Free World. The United States Government denies the implication of the reference note that rendering assistance to refugees from oppression

¹ A/C. 1/685, 19 December 1951.

² Department of State Bulletin, 31 December 1951, p. 1056.

and refusal to return them to the oppressor governments constitutes subversion or interference in the internal affairs of those governments.

As has been repeatedly made clear previously, the North Atlantic Treaty Organization was, in conformity with the Charter of the United Nations, established for defensive purposes only and has no aggressive aims. The Organization would not have been necessary if, since the end of World War II, the U.S.S.R. had not adopted an aggressive and threatening attitude toward the individual countries of the Free World, who have now joined in the North Atlantic Treaty Organization for their common defense. It is therefore obvious that any North Atlantic Treaty Organization assistance authorized by the Mutual Security Act is not, as alleged by the Soviet Government, designed for aggressive purposes against the U.S.S.R. or any other country.

The Soviet note under reference clearly represents another of many attempts to disrupt particular aspects of the defense effort of the North Atlantic Treaty Organization by falsely charging for propaganda purposes that a specific facet of United States support for the objects of the North Atlantic Treaty Organization is aimed with aggressive intent against the U.S.S.R.

The United States Government states in conclusion that false charges of interference in Soviet internal affairs come with singular ill-grace from a régime which has for many years consistently supported subversive activities directed against the United States and other nations of the Free World.

4. The U.S.S.R. and the United Kingdom and France

(i) Exchange of notes between the U.S.S.R., the United Kingdom and France on the alleged breaches of the Anglo-Soviet Treaty of 1942 and of the Franco-Soviet Treaty of 1944.

(a) British note, 5 January 19511

His Majesty's Government in the United Kingdom desire clearly and unequivocally to refute the Soviet Government's contention that the attitude adopted by his Majesty's Government in regard to the demilitarization of Germany creates a threat to peace. As was explained in his Majesty's Government's Note of December 22,2 to the Soviet Government, the question of the participation of German units in the defence of western Germany has arisen solely because Soviet policy and actions have compelled the other nations to examine all means of improving their security against the threat of Communist aggression. These measures are purely defensive, and responsibility for any action that may be taken for this purpose rests upon the Soviet Government.

² Documents (R.I.I.A.) for 1949-50, pp. 176-8.

¹ The Times, 8 January 1951. A similar note was sent by the French government: Le Monde, 9 January 1951; Documentation Française, no. 1448, 10 March 1951, pp. 14-16.

In this connexion his Majesty's Government recall that, while they drastically reduced the size of their forces after the victory in 1945, the Soviet Union not only maintained in being vast military forces out of all proportion to those retained by her war-time allies, but also refused to agree to any effective system of international supervision of armaments. A large part of these Soviet forces is stationed in eastern Europe outside the frontiers of the Soviet Union. In addition, the disturbing and growing evidence of the rearmament of the States of eastern Europe now allied with the Soviet Union, some of whom were formerly allies of Hitlerite Germany, gives legitimate cause for disquiet. Moreover, in violation of the Potsdam Agreement, militarized German units have been created in the Soviet zone of Germany. Finally, under cover of a so-called 'peace campaign,' Communist organizations have continued their subversive activities against other countries and, when Communist forces committed acts of armed aggression in the Far East, the Soviet Government, together with its allies in eastern Europe, consistently opposed the decision of the United Nations to bring into operation the measures of collective security provided for in the Charter of the United Nations.

These are the reasons for the defensive measures taken by the North Atlantic countries. It is, however, entirely inaccurate and unfounded to state, as does the Soviet Note of December 15,1 that these defensive measures will lead to a revival of German militarism and to new and inevitable attempts at aggression from western Germany. The defensive plans now under consideration will be so designed as to prevent the re-establishment of an independent German national army and the revival of aggressive militarism. The peoples of western Europe, who have also suffered under Nazi occupation and aggression, have no intention of exposing themselves to the dangers inherent in the re-creation of an aggressive army such as existed under the Hitler régime. No less than the Soviet Government, his Majesty's Government are determined to prevent any such dangers arising and, in their Note of December 22, they formally assured the Soviet Government that they are determined never, at any time or in any circumstances, to allow western Germany to be used as a base for aggression. The creation of an integrated, international force, which is now under consideration, is designed for the very purpose of constituting a guarantee against any revival of aggression or any risk of the violation of the peace.

The Soviet Government allege that the United Kingdom 'has come forward as an organizer of a group of Powers directed against the U.S.S.R. and other peace-loving States.' This allegation is equally unfounded, as has been pointed out on various occasions. In their Note of April 12, 1949, his Majesty's Government drew attention to the statement made by the Foreign Ministers of the signatory Powers of the North Atlantic Treaty

on April 2, 1949, which rejected the allegation of the Soviet Government that the treaty had an aggressive character.

As stated on that occasion, the text of the North Atlantic Treaty makes clear the completely defensive nature of the treaty, its conformity with the spirit and letter of the Charter of the United Nations, and the fact that it is not directed against any nation or group of nations, but only against armed aggression. In their Note of April 12, 1949, his Majesty's Government particularly assured the Soviet Government that the North Atlantic Treaty could not be regarded as contrary to the Anglo-Soviet Treaty of 1942, being directed solely against armed aggression itself. His Majesty's Government abide by that assurance.

Ever since the victorious conclusion of the war against Hitler, his Majesty's Government have worked persistently for a peaceful settlement of outstanding international differences, particularly in the United Nations and in the Council of Foreign Ministers. This remains the policy of his Majesty's Government and to this end they have joined with the French and United States Governments in making the proposals contained in their Note to the Soviet Government of December 22, 1950.

(b) Russian reply, 20 January 19511

The Ministry of Foreign Affairs of the Union of Soviet Socialist Republics, in connection with the Note of the Government of Great Britain of January 5 of this year, has the honour to state the following:

1. In its Note of December 15, 1950, the Soviet Government pointed out that the policy, conducted by the Government of Great Britain jointly with the Governments of the United States of America and France, of restoring the German Army in Western Germany and involving Western Germany in the so-called Western Union and in the North Atlantic grouping of Powers, was contrary to the Potsdam Agreement on the demilitarisation of Germany and to the Anglo-Soviet Treaty 'of Alliance in the War Against Hitlerite Germany and Her Associates in Europe and of Collaboration and Mutual Assistance Thereafter' of May 26, 1942, and undermines its principles and significance.

It was pointed out in the Note of the Soviet Government that the Government of Great Britain, jointly with the Governments of the above-mentioned Powers, was preparing an outright military alliance with the Government of the revanchist Adenauer in Western Germany, which creates a serious threat to peace.

2. As follows from the reply of the Government of Great Britain to the Note of the Soviet Government of December 15, 1950, the Government of

¹ Soviet News, 22 January 1951. A Russian note was also sent to the French government: Soviet News, loc. cit., Documentation Française, no. 1448, pp. 16-18.

Great Britain, jointly with the Governments of the U.S.A. and France, is taking measures to re-create the German armed forces in Western Germany, as the Soviet Government pointed out in the above-mentioned Note.

The Government of Great Britain tries to justify the creation of such military units, which are nothing but a regular German Army, by allegations that these measures are 'purely defensive' and that the question of creating these military units arose in view of the presence of some 'threat of Communist aggression.' However, the absolute groundlessness of these assertions is obvious. It is common knowledge that such inventions were resorted to by the Fascist ringleaders in Germany, Japan and Italy, who considered it necessary, before beginning an aggressive war, to work up public opinion in an appropriate manner. Thus, as is known, acted the authors of the 'Anti-Comintern Pact' concluded between Hitlerite Germany, Fascist Italy and militarist Japan on the eve of the Second World War. They too tried to camouflage their own aggressive plans against the peace-loving peoples by references to an allegedly existing 'threat of Communist aggression.'

The Government of Great Britain asserts that the North Atlantic Alliance, of which Great Britain is one of the initiators and participants, is of a 'completely defensive nature.' However such an assertion is contrary to well-known facts. It is no secret to anyone now that the North Atlantic Alliance is aimed against the Soviet Union and against the people's democracies.

The Soviet Government has pointed out previously that the North Atlantic Alliance is a closed grouping of States in which, by collusion between the Governments of Great Britain, the United States and France, the Soviet Union is the only great Power of the anti-Hitlerite coalition not participating, and that this grouping is of an obviously aggressive nature.

The measures being carried out at present by the North Atlantic Alliance regarding Western Germany are fresh confirmation of the aggressiveness of the policy of the organisers of this Alliance—the Governments of Great Britain, the United States and France.

In this connection the Soviet Government considers it necessary to mention several recent facts.

The communique issued on September 19, 1950, concerning the New York Conference of Foreign Ministers of the United States, Great Britain and France, says that the Ministers have taken note of sentiments recently expressed in Germany and elsewhere in favour of German participation in an integrated force for the defence of European freedom.

The communique on the results of the meeting of the North Atlantic Council Deputies and the North Atlantic Military Committee, issued on December 13, 1950, says that 'at the joint meeting complete agreement was reached on political and military recommendations for German participation in an integrated armed force. . . .'

The communique of the Council of the North Atlantic Alliance issued on December 19, 1950,

It is known that at present negotiations on this matter are being conducted with the participation of former Hitlerite generals, in particular General Hans Speidel, former Chief of Staff of Rommel's Army, and General Adolf Heusinger, former Chief of the Operations Department of the General Staff of the Hitlerite Army.

All these facts prove irrefutably that the Government of Great Britain, like the Governments of the United States and France, is at present engaged in re-creating the German regular army in Western Germany and in organising a military alliance of the North Atlantic countries with Germany against the Soviet Union and the people's democracies. The unlawfulness of a military alliance in any form with Germany, with which Great Britain, the United States, France and the U.S.S.R. have not yet even concluded a peace treaty legalising the termination of the state of war, is perfectly obvious to the whole world.

Attempts are being made to camouflage this military alliance with Germany by lying talk about the 'defence' of Western Europe. However, the groundlessness of such statements is obvious, for there is no threat of war against Great Britain and France, or against other countries of Western Europe, or the United States of America, or Germany, from the U.S.S.R. or the people's democracies. As for the continued attempts of the Government of Great Britain to justify the policy of the remilitarisation of Western Germany by references to paramilitary units which are allegedly being created in Eastern Germany, such statements are absolutely unsubstantiated and have no basis whatsoever, as was pointed out in the Note of the Soviet Government of December 30, 1950.²

References to rearmament in the countries of Eastern Europe are likewise groundless. Such assertions are evidently intended to divert public opinion from the remilitarisation of Western Germany.

The attempts of the Government of Great Britain to picture the activities of millions of people all over the world for peace among nations as subversive activities against other countries are also perfectly frivolous. In reality this activity frustrates the plans of those who are preparing another war.

It is also necessary to point out the absolute groundlessness of the ¹ Ibid. p. 291.
² See above, p. 248.

references, contained in the Note of the Government of Great Britain of January 5, to the Soviet Armed Forces 'a large part' of which, as the above-mentioned Note says, 'is stationed in Eastern Europe outside the frontiers of the Soviet Union.' Everyone knows that, as a result of a number of demobilisations effected between 1945 and 1948, the Soviet Union has considerably reduced its armed forces. Simultaneously the Soviet Government withdrew its armed forces from the territories of other States, leaving them only in those countries where the presence of Soviet armed forces was provided for under corresponding agreements between the U.S.S.R., Great Britain, the United States and France.

3. It should also be mentioned that it was precisely the Soviet Government which repeatedly advanced in the United Nations Organisation proposals for the reduction of armed forces and armaments and for the establishment of corresponding international supervision. It is generally known, however, that the representatives of the Government of Great Britain in the United Nations Organisation, together with the other members of the North Atlantic grouping, invariably oppose the Soviet proposals for arms reduction, for the conclusion of a peace pact among the five great Powers, for the condemnation of the instigators of war who are conducting propaganda for another war, for the prohibition of the atomic weapon.

The Soviet Union's proposals, aimed towards strengthening of peace and removal of the threat of another war, were not accepted only through the fault of the participants in the North Atlantic bloc, primarily the Governments of the United States, Great Britain and France, which have adopted the course of an armaments drive and procrastination regarding a peaceful settlement in Europe and in the Far East.

4. In its Note the Government of Great Britain declares that it will not allow Western Germany to be used for purposes of aggression and alleges that the measures being carried out in Western Germany for the creation of German armed forces do not lead to a rebirth of German militarism. However, facts prove the absolute groundlessness of such statements and expose the falseness of the assurances contained in the Note of the Government of Great Britain concerning the fact that they are 'determined' not to allow Germany to be used as a base for aggression.

The re-creation of the German regular army with Hitlerite generals at its head and the restoration of German war industry lead to a rebirth of German militarism and to fresh attempts of aggression against peace-loving peoples on its part. In conducting, jointly with the Governments of the United States and France, the aforesaid measures for the regeneration of German militarism, the Government of Great Britain thereby violates Article III of the Anglo-Soviet Treaty which reads: 'The High Contracting Parties declare their desire to unite with other like-minded States in

adopting proposals for common action to preserve peace and resist aggression in the postwar period.'

The Government of Great Britain is also violating Article VII of the above-mentioned Treaty which says: 'Each High Contracting Party undertakes not to conclude any alliance and not to take part in any coalition directed against the other High Contracting Party.'

Instead of fulfilling its obligations under the Anglo-Soviet Treaty concerning joint actions to be taken by Great Britain and the U.S.S.R. for the purpose of preventing a possible threat of new German aggression, the Government of Great Britain, by entering into a military alliance with Western Germany headed by the Government of the revanchist Adenauer, is undermining the foundations and significance of the Anglo-Soviet Treaty of 1942.

In view of the aforesaid, the Soviet Government again calls the attention of the Government of Great Britain to the necessity of its observing the Anglo-Soviet Treaty of May 26, 1942, and to the fact that responsibility for the situation that has arisen in consequence of the violation of this Treaty by the Government of Great Britain falls entirely upon the Government of Great Britain.

(c) British reply to the Russian note of 20 January, 17 February 19511

His Majesty's Government in the United Kingdom observe with regret that the Soviet Note makes no serious attempt to examine the arguments set forth in the Notes addressed to the Soviet Government by his Majesty's Embassy at Moscow on December 22 and January 5 last. It merely consists of a restatement of the distorted and misleading arguments in the original Soviet Note of December 15. His Majesty's Government are accordingly obliged clearly and categorically to place the facts on record and to refute in the most formal manner the unfounded allegations made by the Soviet Government regarding their policy.

At the end of the war there existed in the United Kingdom a vast fund of good will towards the peoples of the Soviet Union who had fought so gallantly as allies of the peoples of the west in defending their country against Hitlerite aggression and in contributing to the overthrow of the Nazi régime. The British people and his Majesty's Government eagerly desired that this war-time collaboration should continue. They believed, and still believe, that the peoples of the Soviet Union had the same wish.

The Times, 19 February 1951. No French reply was sent, a spokesman of the Quai D'Orsay stating on 27 February that in the view of the French government a further exchange of notes would not lead to any progress towards easing the international situation: Documentation Française, no. 1448, pp. 18-19. A further Russian note, covering the same ground as the notes of 15 December and 20 January, was sent to the United Kingdom on 24 February: Soviet News, 26 February 1951.

In response to this common desire, his Majesty's Government earnestly sought, in the words of Article 5 of the Anglo-Soviet Treaty of 1942, 'to work together in close and friendly collaboration, after the re-establishment of peace, for the organization of security and economic prosperity in Europe.'

His Majesty's Government have always based their policy and actions on strict adherence to the two principles, mentioned in Article 5 of the treaty, of 'not seeking territorial aggrandisement for themselves and of non-interference in the internal affairs of other countries.' After the conclusion of hostilities they drastically reduced their armed forces in order that the energies and resources of the country might be devoted, in collaboration with their allies, to restoring the ravages of war both at home and abroad and to advancing the social and economic well-being of their people.

The Soviet Government, on the other hand, soon showed by its actions that it had no real intention of permitting the Soviet people to take part in this work of peaceful collaboration in the spirit of the Anglo-Soviet Treaty or of itself basing its policies on the principles enshrined in that treaty.

Despite the agreement reached at Yalta in 1945 providing for three-Power consultation to uphold the democratic rights of the liberated peoples of Europe, the Soviet Government has unilaterally assisted Communist minorities to seize power in all the eastern European countries. When later the Communist régimes thus established in Bulgaria, Hungary, and Rumania constantly flouted the human rights provisions of the peace treaties concluded with those countries in 1947, the Soviet Government obstructed all attempts to invoke the enforcement procedure laid down in the treaties. From 1945 onwards it aided and directed attempts by Greek rebels to overthrow the legally elected Government of Greece.

In February 1948, a Communist coup d'état took place in Czechoslovakia, and the Soviet representative vetoed the attempt of the Security Council of the United Nations to investigate this event as a threat to peace. Since June, 1948, an increasingly violent campaign of vilification and subversion has been waged against Yugoslavia for refusing to subordinate her national interests and independence unreservedly to Soviet dictates.

In Germany steps were taken by the Soviet authorities at an early stage after the war to seal off the Soviet zone from the west, in violation of the agreement at Potsdam to treat Germany as a single economic unit, and attempts were made to prevent the recovery of the western zones. After constant obstruction by the Soviet Government of all efforts to reach a German settlement at successive meetings of the Council of Foreign Ministers, the Soviet Government withdrew its representative from the Allied Control Council and, by imposing a blockade on the western sectors

of Berlin, sought by force to compel the three western Powers to abandon

their legal right to be in the city.

These actions in the political sphere have been accompanied by constant efforts on the part of the Soviet Government to delay economic recovery and to prevent the establishment of tranquillity in western Europe. Thus, when in June, 1947, the United States Secretary of State made his proposals for American aid for the economic recovery of Europe, which were closely in harmony with the provisions of Article 5 of the Anglo-Soviet Treaty relating to the organization of European economic prosperity, the Soviet Government not only refused to cooperate itself but influenced other Governments, with which it was in close relations, equally to refuse to participate in the plan.

In September 1947, on the open initiative of the Soviet Government, the Cominform was set up and, in its first manifesto, made clear its purpose of organizing and directing every possible form of agitation and action designed to defeat the recovery of Europe. To this purpose the Soviet Government, in a statement by its official spokesman at the inaugural session of the Cominform, pledged its full support. The Soviet Government itself, in the United Nations and elsewhere increased its propaganda against the western Governments and sought through various agencies to encourage strikes and social unrest aimed at preventing the economic and

social consolidation of those countries.

The Soviet Government, moreover, has refused to participate in the activities of those international bodies which have been set up with the express purpose of restoring prosperity, strengthening the social order, and furthering international cooperation. Thus the Soviet Government has refused to cooperate in the activities of the Food and Agriculture Organization, the United Nations Educational, Scientific and Cultural Organization, the International Monetary Fund, the International Bank, the International Civil Aviation Organization, the International Refugee Organization, and the International Labour Organization, and it has withdrawn from the World Health Organization.

In the United Nations it has repeatedly abused its right of veto, in cases where vital Soviet interests could not be said to be involved, to block the settlement of disputes or the admission of new members, and it has refused to accept plans regarded as reasonable by the vast majority of members for the control of atomic energy and the reduction of armaments. Its unilateral policies have likewise been a major cause of the total lack of progress in the work of the military staff committee which had been designed to provide a system of collective security based on cooperation of

the permanent members of the Security Council.

The general attitude of the Soviet Government in the United Nations has been one of complete and rigid lack of cooperation and compromise,

an attitude which strikes at the very roots of that organization. This culminated in the total withdrawal of Soviet representatives from the Security Council and all other organs of the United Nations for a period extending from January to August, 1950. Furthermore, during the whole of the post-war period the Soviet Government endeavoured so far as possible to ensure that the peoples of the Soviet Union and its allies were isolated from the outside world, kept in ignorance of the true facts and inspired with hatred of the western nations.

Slowly and unwillingly his Majesty's Government were forced to the conclusion, not only that the Soviet Government had no intention of fulfilling its treaty obligations to collaborate with them, but also that it was the aim of the Soviet Union to undermine the independence of the free nations of western Europe. The policies and actions of the Soviet Government in the fields of politics and propaganda were backed by the huge forces which the Soviet Union maintained under arms. No doubt the Soviet Government demobilized a number of men from the war-time peak, but its forces remained far superior in numbers to those of all the western Powers put together. At the same time, it was busily engaged in rebuilding the forces of its allies, some of whom had formerly been the allies of the Nazis, in eastern Europe, and maintained in Germany and Austria garrisons far in excess of those retained by the western Powers.

In the face of the aggressive and subversive policies of the Soviet Government, backed by the threat of overwhelming force, the western nations were constrained to take the first steps to organize their self-defence. The North Atlantic Treaty of April, 1949, was the direct consequence of Soviet policy and actions and, as was pointed out in his Majesty's Government's Note of January 5, was strictly and solely defensive in its intentions. The Soviet Government, while persisting in its own threatening policies, nevertheless sought to represent the North Atlantic Treaty as an instrument of aggression and to mislead world opinion as to the true causes of world tension by a campaign of so-called 'peace' propaganda.

Since the autumn of 1949 the Soviet Government has used various expedients to prevent the conclusion of a treaty with Austria which would lead to the evacuation of allied troops and the restoration of normal relations with that country, in accordance with the declaration of Moscow of November 1, 1943, whereby the Soviet Government, together with his Majesty's Government, the United States, and French Governments, affirmed its wish to see Austria re-established as a free and independent State. In the eastern zone of Germany the Soviet authorities began to build up a force known as the Bereitschaften, which is trained on military lines, with artillery and tanks. The creation of this force is a violation both of the Anglo-Soviet Treaty and of the Potsdam agreement.

In the Far East the Soviet Government has applauded the action of

Communist rebels in Malaya and elsewhere, and in Indo-China has openly supported them by recognizing them as a Government. Finally, after the unprovoked aggression of the North Korean forces against the Republic of Korea and the subsequent intervention of the Central People's Government of China, it supported the aggressors in the United Nations and opposed all attempts to restrain them. These acts of unprovoked aggression proved to the peoples of the free world that Communist imperialism will not stop at agitation, threats, and subversion, but is ready to use force to obtain its ends by conquest. These developments have made it plain to the British people that the Soviet Government, ignoring the provisions of the Anglo-Soviet Treaty, is intent on building up a coalition directed against the United Kingdom and other peace- and freedom-loving countries, and aimed at undermining their social order and independence.

It is in the light of all these circumstances that his Majesty's Government, like the other Governments of the west, have been obliged in pure self-defence to set about strengthening their defences and considering the participation of German units in the defence of western Germany. To attempt to disguise these facts by accusing the democratic and peace-loving countries of the west of aggressive policies will deceive no one. The Soviet Government itself is fully aware that the Governments of the western Powers seek only to improve the social and economic conditions of their peoples; it knows that the free democracies of the west have neither the desire nor the means to enter upon a war of aggression.

Nevertheless his Majesty's Government repeat their often stated assurances. The measures of collective security in which they are at present participating as the result of Communist policy and actions since the war are purely defensive. His Majesty's Government have no aggressive intentions towards the Soviet Union or its allies. They have no intention of reviving aggressive German militarism, and they will not allow their zone of occupation in Germany to be used as a base for aggression. They reaffirm their readiness to seek, in discussion with the Soviet Government and in the spirit of Article 5 of the Anglo-Soviet Treaty, the settlement of the principal problems whose solution will make possible a real and lasting improvement in their relations.

- (ii) Further exchange of notes between the U.S.S.R. and France regarding the Franco-Soviet Treaty of 1944
 - (a) Russian note, 11 September 19511

The Soviet Government, in its Notes of December 15, 1950, and January 20, 1951,2 has already drawn the attention of the Government of France

¹ Soviet News, 13 September 1951.

² See Documents (R.I.I.A.) for 1949-50, pp. 176-8, and above, p. 323.

to the fact that the policy it is pursuing in relation to West Germany, which unties the hands of the German revanchists, undermines the basis and significance of the Franco-Soviet Treaty of December 10, 1944, on Alliance and Mutual Assistance, in accordance with which both Governments undertook 'to take jointly all the necessary measures for the elimination of any new threat coming from Germany and to obstruct such actions as would make possible any new attempt at aggression on her part.' This policy of the French Government on the German question is also in obvious contradiction to the Potsdam Agreement between the Soviet Union, the United States of America and Great Britain, to which France adhered.

At the present time it has become quite clear that the measures carried out by the French Government jointly with the Governments of the United States and Great Britain not only contradict the Franco-Soviet Treaty and the Potsdam Agreement, but also create the threat of a repetition of German aggression. These measures have the character of open preparation of military alliance with the aggressive forces of West Germany.

Evidence of this are both the 'Pleven Plan' put forward by the French Government, leading to the restoration of a regular German Army headed by Hitlerite Generals, and the 'Schuman Plan' carried out by the French Government, signifying the restoration of the military-industrial potential in West Germany. Both the 'Pleven Plan' and the 'Schuman Plan' lead in fact to the remilitarisation of West Germany, which is incompatible with the interests of peace in Europe and is condemned by the German people itself, which does not wish to become a tool in the realisation of the plans of others, who, moreover, pursue aggressive aims.

I. It is now evident to everyone that the North Atlantic alliance, headed by the United States of America and Great Britain, is undertaking ever new steps in order to have at its disposal in Europe the largest possible armed forces and number of military bases, although no one threatens the countries of the North Atlantic alliance. This testifies to the fact that this military alliance pursues aggressive aims and that it is engaged in the preparation of a new war—a war for world domination for the Anglo-American bloc of Powers headed by the United States. The United States Government is conducting negotiations even with Franco, in an endeavour to utilise for these aims the troops of the Spanish fascists. However, the inclusion of the regular German Army now being re-established in West Germany into the armed forces of the North Atlantic bloc has been set as the main task.

It is now evident, also, that the restoration of the regular army in West Germany, where power is in the hands of such revanchists as Adenauer, Kaiser, Schumacher and others, evokes justified mistrust and dissatisfaction

¹ Documents (R.I.I.A.) for 1949-50, pp. 339-44.

² Ibid. pp. 315-18.

in all countries of Europe. Attempts are therefore being made to carry out the restoration of the German Army in West Germany by resort to means of camouflage. It is precisely in this connection that there appeared the 'Pleven Plan,' announced by the French Government on October 24, 1950, concerning the creation of a so-called 'European army' combining the troops of several West European countries, which is to include, as a component part, the German Army formed in West Germany. They are endeavouring to suggest that if the West German armed forces which are being newly-created become part of such a combined army, this will not, allegedly, signify the revival of the German Army. But such a means of lulling the vigilance of the peoples which are unwilling to support the policy of preparing and unleashing a new world war will be exposed as a perfidious ruse to deceive the peoples.

The 'Pleven Plan' is ascribed to the French Government, but it is not so secret to anyone that behind this plan stands the United States Government, which is endeavouring by every means to increase the number of armed forces capable of serving as a support in the realisation of American

aggressive plans in Europe.

Under the 'Pleven Plan' the regular army in West Germany is not to exist as a separate army, independent of the other West European States. Under the 'Pleven Plan' the armed forces of West Germany are to be only a part of the combined West European army, in which are included also the troops of France, Italy, Belgium, Luxemburg, but it is already known that under the pretext of 'equality' the Hitlerite Generals of yesterday are striving for a dominating position in such a Western European army for the forces which they are creating. In this they find support from such a protégé of American militarism in Europe as Eisenhower, who already in the present peacetime period has been appointed Supreme Commander of the troops of the North Atlantic bloc.

During recent months secret military negotiations have been taking place in Paris between the representatives of France, Belgium, Italy and Luxemburg with the representatives of the West German Government of Adenauer, with the participation of the United States and Britain, on the question of the creation of West German armed forces as part of the West European army. From a communique published on July 24 of this year it is evident that agreement was reached at this conference on such questions connected with the creation of West German armed forces and their inclusion in the West European army as the standardisation of armaments, the specialisation of war production, the method financing and the system of supplies for this army etc.

Simultaneously with the Paris conference, negotiations took place at the Petersburg (West Germany) between military representatives of the United States, Great Britain and France with the former Hitlerite Generals

Heusinger and Speidel, at present military advisers of the Bonn Government. As has become known from Press reports, as a result of these negotiations agreement has already been reached concerning the creation of West German armed forces composed of 12 West German divisions numbering 250,000 men, and special West German tank and air units are being created.

Thereby a decisive step was taken to revive the regular German Army inspired by German revanchists and headed by Hitlerite Generals who, of course, will not stop half-way and will make use of France's abandonment of the demilitarisation of Germany for the restoration of the aggressive might of German militarism. Today a West German army is being created consisting of 250,000 men, but tomorrow it will grow several times larger, although the entire population of the German Democratic Republic and the overwhelming majority of the population of West Germany stand for peace and oppose the remilitarisation of Germany.

All this shows that the 'Pleven Plan' is a path towards the legalisation of

German militarism, involving the danger of a new war in Europe.

It follows from this that the 'Pleven Plan,' inspired by the United States Government, concerning the creation of a 'European army,' in which, however, the majority of the European countries take no part, is a grave danger to peace in Europe and is in irreconcilable contradiction to France's obligations under the Franco-Soviet Treaty on joint action to prevent a new German aggression in Europe and also to the obligations of France, the United States and Britain under the Potsdam Agreement concerning the carrying out of the demilitarisation of Germany.

2. Facts testify that a direct supplement to the 'Pleven Plan,' which opens the way to the restoration of German militarism, is the 'Schuman Plan,' which leads to the restoration of war industry in West Germany.

By the 'Pleven Plan,' several West European countries are creating a combined army in which the dominating role will inevitably belong to the armed forces of West Germany. Similarly, the organisation of the so-called 'European Coal and Steel Pool,' integrating under the 'Schuman Plan' Ruhr heavy industry with the heavy industry of France, Belgium, Italy, Holland and Luxemburg, creates conditions ensuring to the magnates of the Ruhr industry a dominating position in the production of armaments and military equipment in West Europe. This, in turn, corresponds to the aims of the American monopolies which made use of the occupation régime in West Germany to penetrate deeply into the German trusts and cartels and to interest them in the realisation of their aggressive plans.

On April 18 of this year the French Government, jointly with the Government of West Germany and the Governments of Italy, Belgium, Holland and Luxemburg, signed an Agreement on the creation of a 'European Coal and Steel Pool,' known as the 'Schuman Plan.' When

preparing to put through this plan, M. Schuman said that 'the plan for the pooling of the coal and steel resources of the European countries can open the way for military co-operation among the countries concerned: Germany, France, Italy, Belgium, Holland and Luxemburg.'

This statement of M. Schuman cannot be regarded otherwise than as an admission that the plan for the pooling of the coal and steel industries of

the countries indicated pursues military ends.

This plan throws aside the needs of German peace economy. It pursues opposite aims: at the expense of peace economy to boost war production, subordinating the heavy industry of the Ruhr to the plans of the aggressive Powers engaged in preparing a new war in Europe. In this, the aggressive countries have the support of the magnates of the Ruhr heavy industry who were the main support both of the Kaiser's and Hitler's insatiable imperialism.

At the present time the old capitalist monopolies, in one form or another, have again been revived in West Germany and, in agreement with the influential American monopolies, have already subordinated the West German authorities to their interests. A short while ago the creation of 24 big coal and steel associations was announced, and such German monopolists as Krupp, Flick, Pferdmenges and others, who not so long ago were lording it in the Hitler-occupied countries of Europe, have had their old privileges returned to them and their dominating position in many branches of West German industry restored. With the creation of the 'European Coal and Steel Pool,' these gentlemen will establish their control also over the industries of other States entering in this 'European Pool,' which will still further increase the exploitation of the working people in these countries.

All this shows that the Potsdam Agreement concerning the prohibition of war industry in Germany and the liquidation of the German monopolies which bear special responsibility for the unleashing of the Second World War, is being grossly violated and trampled underfoot by the States which are responsible for the occupation of the Western part of Germany. The 'Schuman Plan' driving towards the restoration of war industry in West Germany and helping to accelerate the militarisation of West Germany, legalises the path towards reviving German imperialism, the aggressiveness of which is known to the whole world.

3. The horrors of the Second World War are still fresh in the memory of the peoples. The people of France, like the peoples of the Soviet Union, cannot forget the calamities and losses they suffered, the peoples of Europe have vowed to prevent a third world war and to forestall the possibility of new German aggression. They remember the lessons of the First and Second World Wars.

Everyone remembers the policy of the United States of America in the

period preceding the last world war, when the American ruling circles and the American monopolists helped to create the war-economic base of German aggression and thus to arm this aggression. Everyone remembers the policy of the British and French ruling circles, who at that time broke the front of the peace-loving States opposing aggression, thereby facilitating for Hitler the possibility of unleashing the Second World War.

Now, the Government of France and also the Governments of the United States and Britain have turned to the old road. They are calculating on using German militarism for the aims of preparing a new war just as they tried to do at the beginning of the Second World War. Such calculations, however, were already upset in the past, and it was precisely France that had to pay the high price of a long German occupation for her erroneous policy. The policy of the French Government, as also the policy of the United States and Britain, which was most clearly expressed on the eve of the Second World War in the Munich Agreement with Hitler Germany, shattered, as is known, the Franco-Soviet Treaty of 1935, which was one of the foundations for the upholding of peace in Europe, and this enabled the German militarists to unleash the Second World War. In the present tense international situation, the peoples of France and the U.S.S.R., as all the peace-loving peoples, must stand together in defence of peace and must not permit a weakening of the friendship among the peoples.

The Soviet Government cannot but take into account the consequences of the present policy of the French Government directed towards the restoration of German militarism and the creation of a military alliance with the aggressive forces in West Germany.

The Soviet Government deems it necessary again to warn the French Government of the responsibility which it bears for the situation that has arisen and for the consequences it entails.

(b) The French reply, 26 September 19511

Le gouvernement français a étudié les termes de la note que le gouvernement soviétique lui a adressée le 11 septembre 1951 et par laquelle le gouvernement soviétique expose ses vues sur les projets ou accords concernant l'établissement d'une communauté européenne de défense, ainsi que celui d'une communauté du charbon et de l'acier.

Le gouvernement français a estimé nécessaire de présenter à ce sujet les observations suivantes:

1°. Les mesures qui sont actuellement à l'étude en vue de la création d'une communauté européenne de défense ont fait l'objet à plusieurs reprises de déclarations ou d'exposés officiels. Il ressort de ces déclarations, confirmées de nouveau par le communiqué final de la conférence de Washington en date du 14 septembre,2 que le but principal que s'est fixé

¹ Le Monde, 29 September 1951.

le gouvernement français, ainsi que les gouvernements des pays participant à la négociation, est d'établir une force strictement défensive, destinée à prévenir toute tentative d'agression, mais ne pouvant de par sa nature et sa composition être utilisée à d'autres fins. Le programme de défense commune européenne actuellement à l'étude aura pour résultat d'empêcher la renaissance d'une force militaire allemande autonome susceptible d'encourager une politique orientée vers l'agression.

Il est donc inexact de dire, comme le fait la note soviétique du 11 septembre, que l'organisation d'une communauté européenne de défense puisse servir des plans agressifs de quelque nature que ce soit. Il n'est pas moins inexact d'avancer que des forces militaires allemandes sont actuellement créées en Allemagne occidentale. Les seules forces armées allemandes qui existent à l'heure actuelle sont celles qui ont été créées par le gouvernement soviétique dans la zone qu'il administre sous l'étiquette de forces de 'police populaire'.

Le gouvernement français regrette de constater que le gouvernement soviétique s'en tient en ce domaine à des affirmations qui ne sont pas fondées sur une étude objective des faits. Il affirme de nouveau sa résolution de s'opposer à toute utilisation de l'Allemagne comme base d'agression. Il ne saurait admettre dans ces conditions que la ligne politique qu'il a adoptée puisse être considérée comme contraire au pacte franco-soviétique du 10 décembre 1944, qui a pour but de prévenir toute nouvelle agression allemande;

2° Reprenant les vues qu'il a déjà exposées à plusieurs reprises, le gouvernement soviétique prétend voir dans la communauté européenne du charbon et de l'acier un organisme destiné à 'rétablir l'industrie de guerre allemande'. Une telle assertion constitue un travestissement complet des données réelles sur lesquelles s'appuie la communauté européenne du charbon et de l'acier, ainsi que des buts que celle-ci s'est assignés.

Aux termes de la déclaration faite par M. Schuman le 9 mai 1950 la mise en commun des productions de charbon et d'acier assurera immédiatement l'établissement de bases communes de développement économique, première étape de la fédération européenne. Elle changera le destin de ces régions, longtemps vouées à la fabrication des armes de guerre, dont elles ont été les plus constantes victimes. L'établissement de cette unité puissante de production, ouverte à tous les pays qui voudront y participer, jettera les fondements réels de leur unification économique. Cette production sera offerte à l'ensemble du monde, sans distinction ni exclusion, pour contribuer au relèvement du niveau de vie et au progrès des œuvres de paix.

En signant le 18 avril dernier le traité instituant la communauté européenne du charbon et de l'acier les nations participantes n'ont eu d'autre but que de mettre en œuvre ces principes essentiellement pacifiques. Elles ont cherché à assurer le développement du niveau de vie des masses en améliorant les conditions de la production et à mettre fin aux conflits nationaux, qui si longtemps ont ravagé l'Europe.

Le gouvernement soviétique demeure naturellement libre de présenter de ces buts et de ces intentions une interprétation différente. Encore celle-ci devrait-elle être appuyée sur des arguments sérieux et non pas sur des affirmations entièrement contraires à la réalité. Il suffit de rappeler à ce propos que la création de la communauté européenne du charbon et de l'acier a pour condition la décartellisation des industries allemandes du charbon et de l'acier.

Le gouvernement français regrette de constater que tout effort d'organisation de la communauté européenne semble être considéré par le gouvernement soviétique comme un acte contraire aux intérêts de la paix.

Il est cependant évident que le maintien sans aucune limitation des souverainetés nationales ne peut avoir d'autre résultat que la naissance de conflits d'intérêts, eux-mêmes générateurs de dissensions et de guerre.

Les faits se chargeront de démentir les appréhensions du gouvernement soviétique en lui apportant la preuve que l'effort actuellement entrepris n'est rien d'autre qu'un effort pour assurer le maintien de la paix sur le continent européen;

3° Le gouvernement soviétique déclare que le gouvernement français, ainsi que les gouvernements des États-Unis et de la Grande-Bretagne, 'comptent utiliser le militarisme allemand en vue de la déclaration d'une nouvelle guerre, de manière analogue à ce qu'ils ont essayé de faire au début de la deuxième guerre mondiale'.

Cette présentation des événements qui ont conduit à la guerre de 1939 est pour le moins surprenante. Le 3 septembre 1939 le gouvernement français et le gouvernement britannique ont fait savoir au gouvernement allemand que s'il n'arrêtait pas immédiatement les hostilités entreprises contre la Pologne l'état de guerre existerait entre l'Allemagne d'une part, la France et la Grande-Bretagne d'autre part.

Si le gouvernement soviétique considère cette action comme une tentative pour utiliser le militarisme allemand c'est par un raisonnement qui échappe entièrement au gouvernement français. Celui-ci ne se propose pas d'interpréter les mobiles qui ont conduit le gouvernement soviétique à conclure avec le gouvernement hitlérien le 23 août 1939 un pacte de non-agression et le 28 septembre 1939 un pacte d'amitié et de frontières. La note du gouvernement soviétique oblige cependant le gouvernement français à rappeler que le 31 octobre 1939 le ministre des affaires étrangères de l'Union soviétique déclarait, dans un rapport présenté à la cinquième session extraordinaire du Soviet suprême de l'U.R.S.S., que 'la guerre ne se justifiait en rien, et qu'il etait non seulement absurde mais criminel de mener une guerre comme celle-ci pour l'anéan-

tissement de l'hitlérisme sous le faux couvert de la lutte pour la démocratie'.

Dans le même discours le ministre des affaires étrangères de l'Union soviétique ajoutait que le gouvernement de l'U.R.S.S. 'avait toujours estimé qu'une Allemagne forte était la condition indispensable à l'établissement d'une paix durable en Europe' et 'qu'il avait sans cesse essayé d'améliorer ses rapports avec l'Allemagne et accueilli favorablement ces mêmes aspirations de la part de l'Allemagne elle-même'.

Le gouvernement français est trop conscient de l'immensité des sacrifices et des efforts consentis par les peuples de l'Union soviétique, en commun avec les autres nations alliées, au cours de la guerre pour désirer rallumer une polémique à ce sujet. Il ne peut néanmoins accepter sans la relever une version des événements aussi manifestement contraire à l'histoire que celle qui figure à la note soviétique du 11 septembre;

4° La politique actuellement pratiquée par le gouvernement français est une politique foncièrement pacifique. Tous les accords conclus par le gouvernement français sont des accords défensifs destinés à prévenir l'agression, de quelque nature qu'elle soit. Les termes de ces accords sont publics; ils traduisent fidèlement la politique que le gouvernement français, conscient des engagements contractés dans la charte des Nations unies, est décidé à suivre dans l'intérêt de la sécurité de toutes les nations.

Le gouvernement de la République ne peut dans ces conditions considérer comme fondées les observations dont fait état le gouvernement soviétique dans sa note du 11 septembre.

(c) Further Russian note, 19 October 19511

In connection with the French Government's Note of September 26 this year the Ministry of Foreign Affairs of the U.S.S.R. has the honour to state the following:

In its Note the French Government tries without adducing proof to deny facts contained in the Soviet Government's Note of September 11, not-withstanding that these facts convincingly prove that the French Government, in conjunction with the Governments of the United States and Great Britain, is conducting a policy of the remilitarisation of Western Germany and of a military alliance with the revanchist Adenauer Government. This is confirmed also by recent events.

Thus, it is evident from the communique on the results of the Session of the Atlantic bloc Council, published on September 20,2 that at this

¹ Soviet News, 22 October 1951. The French government did not reply to this note, announcing on 23 October that it considered a further exchange of arguments useless: Le Monde, 24 October 1951.

² See above, pp. 58-60.

session the French Government, in conjunction with the United States and other Governments, took decisions on a number of military matters including that of integrating into the armed forces of that bloc a West German army, at the head of which Hitler generals will be placed.

Thus, assertions in the French Government's Note that its measures connected with the formation of a so-called 'European Army' are of a defensive nature are thoroughly false and obviously aim at misleading public opinion. One such measure is, precisely, the inclusion of Western Germany in the aggressive Atlantic bloc which, contrary to common sense, is depicted as the creation of some sort of 'obstacle to the rebirth of an autonomous German military force.'

Also entirely without basis are the French Government's assertions that the so-called 'Schuman Plan' pursues peaceful and not military aims. Suffice it to point out that the military nature of this Plan is also confirmed by the Declaration of September 14 this year on the results of the Conference of the Foreign Ministers of France, the United States and Great Britain, which acknowledged the great importance of the Schuman Plan for the implementation of their military measures in Western Germany.

In its Note the French Government tries to deny the fact that the policy of Anglo-French ruling circles on the eve of the Second World War made it easier for Hitlerite Germany to start hostilities, although everyone knows that it was the Munich deal of the French Government with the Hitlerites in 1938 that expedited the unleashing of the Second World War.

It is also known that in that war between France and Germany there was a period when the French people with full justice ironically called it a 'phoney war' as the French Command did nothing while the Daladier-Reynaud Government did all it could not to hinder fascist Germany from developing its military industry and preparing without impediment for an attack against the U.S.S.R. It is no less well known that at this time the French General Staff was engaged in evolving plans for military aid to Finland in her war against the Soviet Union, and Generals de Gaulle and Weygand were working on plans for an attack on Leningrad and the Caucasus.

As for the obviously biased references to the Statement of the U.S.S.R. Minister of Foreign Affairs in October, 1939, mentioned in the French Government's Note, this reference differs in no way from the slanderous attacks, like those published in the American collection Nazi-Soviet Relations, 1939–1940, the provocative nature of which was fully exposed at the time.

Reaffirming its statement concerning the dangerous consequences of the present policy of the French Government, which is engaged in knocking together a military alliance with the aggressive forces of Western Germany; and also the incompatibility of such a policy with the Potsdam Agreement

and commitments under the Franco-Soviet Treaty of December 10, 1944, the Soviet Government considers it necessary to declare again that the full responsibility for the situation that has arisen lies with the French Government.

5. Armaments

(i) Answers by Marshal Stalin to questions put by a correspondent of *Pravda* concerning the explosion of an atom bomb in the U.S.S.R., published 6 October 1951¹

QUESTION: What is your opinion of the hullabaloo raised recently in the foreign press in connection with the testing of an atom bomb in the Soviet Union?

Answer: Indeed, one of the types of atom bombs was recently tested in our country. Tests of atom bombs of different calibres will be conducted in the future as well in accordance with the plan for the defence of our country from attack by the Anglo-American aggressive bloc.

QUESTION: In connection with the testing of an atom bomb various personages in the United States are raising alarm and shouting about a threat to the security of the United States. Is there any ground for such alarm?

Answer: There are no grounds whatever for such alarm.

Personages in the United States cannot but know that the Soviet Union is not only opposed to the use of the atomic weapon but that it also stands for its prohibition, for the termination of its production. It is known that the Soviet Union has several times demanded the prohibition of the atomic weapon but each time it has been refused by the Atlantic bloc Powers. This means that in the event of an attack by the United States on our country the ruling circles of the United States will use the atom bomb. It is this circumstance that has compelled the Soviet Union to have the atomic weapon in order to meet the aggressors fully prepared.

Of course, the aggressors want the Soviet Union to be unarmed in the event of their attack upon it. The Soviet Union, however, does not agree to this and it thinks that it should be fully prepared to meet an aggressor.

Consequently, if the United States has no intention of attacking the Soviet Union, the alarm of personages in the United States should be considered as pointless and false, because the Soviet Union does not contemplate ever attacking the United States or any other country.

Personages in the United States are vexed because the secret of the

atom bomb is possessed not only by the United States but also by other countries, the Soviet Union primarily. They would like the United States to be the monopolist of the production of the atom bomb, they would like the United States to have unlimited power to intimidate and blackmail other countries. But on what grounds do they think so, by what right? Do the interests of preserving peace require such a monopoly? Would it not be more correct to say that the matter is just the opposite, that it is the interests of preserving peace that require first of all the liquidation of such a monopoly and then unconditional prohibition of the atomic weapon too? I think that advocates of the atom bomb may agree to prohibition of the atomic weapon only if they see that they are no longer monopolists.

QUESTION: What is your opinion regarding international control in respect of the atomic weapon?

Answer: The Soviet Union stands for prohibiting the atomic weapon and terminating production of the atomic weapon. The Soviet Union stands for the establishment of international control over fully exact and conscientious implementation of the decision to prohibit the atomic weapon, to terminate production of the atomic weapon and to utilise already produced atom bombs solely for civilian purposes. The Soviet Union stands for precisely this kind of international control.

American personages also speak of 'control,' but their 'control' presupposes not termination of the production of the atomic weapon, but continuation of such production in quantities conforming to the amounts of raw material at the disposal of the different countries. Consequently, American 'control' presupposes not prohibiting the atomic weapon but making it legal and lawful. Thereby the right of the warmongers to annihilate with the help of the atomic weapon tens and hundreds of thousands of peaceful inhabitants is made lawful. It is not difficult to understand that this is not control but mockery of control, deception of the peace-loving aspirations of the peoples. It is clear that such 'control' cannot satisfy the peace-loving peoples who demand the prohibition of the atomic weapon and the termination of its production.

- (ii) Statement by France, the United Kingdom and the U.S.A. on proposals for the regulation and limitation of armaments, submitted to the General Assembly of the United Nations, 8 November 1951¹
- 1. France, the United Kingdom and the United States will submit to the sixth General Assembly of the United Nations for its consideration proposals for proceeding with the regulation, limitation and balanced reduction of all armed forces and all armaments, including atomic.

- 2. As long as present conditions of international tension prevail, the three Governments have the inescapable duty and are unshakably determined to continue their efforts to develop the strength required for their security and that of the free world, because without security there can be no peace with justice. They also believe that if all governments sincerely join in the co-operative and effective regulation and limitation of armed forces and armaments, this would greatly reduce the danger of war and thus enhance the security of all nations.
- 3. In any honest programme for regulation, limitation and balanced reduction of all armed forces and armaments a first and indispensable step is disclosure and verification. The system of disclosure and verification must be on a continuing basis and reveal in successive stages all armed forces—including para-military, security and police forces—and all armaments, including atomic. It must also provide for effective international inspection to verify the adequacy and accuracy of this information.
- 4. Such a system of disclosure and verification in successive stages would be an essential part of the programme for regulation, limitation and balanced reduction of all armed forces and armaments to a level which would decrease substantially the possibility of successful aggression and thereby decrease the chance that armed aggression would be used to further national objectives.
- 5. The three Governments believe that a workable programme should include criteria according to which the size of all armed forces would be limited, the portion of national production which could be used for military purposes would be restricted, and mutually agreed national military programmes would be arrived at within the prescribed limits and restrictions. The United Nations plan for the international control of atomic energy and the prohibition of atomic weapons should continue to serve as the basis for the atomic energy aspects of any general programme for the regulation, limitation and balanced reduction of all armaments and armed forces, unless and until a better and more effective plan can be devised.
- 6. The three Governments believe that discussion of the programme should begin now. However, such a general programme cannot be put into effect while United Nations forces are resisting aggression in Korea. Moreover, concurrently with the coming into effect of the programme, the major political issues which have divided the world can and must be settled.
- 7. The three Governments share with all Members of the United Nations the responsibility to promote world conditions in which international peace and security are assured. They believe that their proposals offer an opportunity for the world to move forward toward that objective.

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- (iii) Measures to combat the threat of a new World War and to strengthen peace and friendship among the nations—draft resolution submitted by the U.S.S.R. to the General Assembly, 8 November 1951¹
- 1. The General Assembly declares participation in the aggressive Atlantic bloc and the creation by certain States, and primarily by the United States of America, of military, naval and air bases in foreign territory incompatible with membership of the United Nations.
 - 2. The General Assembly recognizes it to be essential that:
 - (a) The countries taking part in the Korean war should immediately end military operations, conclude a truce and withdraw their forces from the 38th parallel within a period of ten days;
 - (b) All foreign troops, and also foreign volunteer forces, should be withdrawn from Korea within a period of three months.
- 3. The General Assembly calls upon the governments of all States, both those which are Members of the United Nations and those which are not at present in the United Nations, to consider at a world conference the question of a substantial reduction of armed forces and armaments and also the question of practical measures for prohibiting the atomic weapon and establishing international control over the observance of such prohibition.

The General Assembly recommends that the above-mentioned world conference should be convened at the earliest possible date and in any case not later than I June 1952.

4. The General Assembly calls upon the United States of America, the United Kingdom, France, China, and the Union of Soviet Socialist Republics to conclude a peace pact and to combine their efforts for achieving this high and noble aim.

The General Assembly also calls upon all other peace-loving States to join in the peace pact.

(iv) Statements made during the Sixth Session of the General Assembly

(a) Mr. Eden, 12 November 19512

It is six years since I had the privilege to address the founder Members of this great Assembly. Unhappily, we can none of us pretend that in the interval the world has made any notable progress towards unity, toleration and enduring peace. In 1945 at San Francisco the great Powers were united in a joint endeavour. In good faith, as we sincerely hoped, this Organization was set up.

¹ A/1944, 8 November 1951.

² General Assembly, Sixth Session, 339th Plenary Meeting, pp. 55-56.

- 31. How different is the scene today. The abrupt division of the nations into two confronting camps, their failure to resolve the many problems which face them, the use of force by aggressors in an attempt to compel the solutions which they seek, all these are clear enough evidence of a change for the worse. And to this I now find added, here in the United Nations, another experience which is new to me: the bitter vehemence of the polemics exchanged at international gatherings. It is small wonder if in such conditions some should ask, can we breathe life into an international order and build the peace and security for which the whole world yearns?
- 32. As many of you know, the greater part of my public life has been concerned with the international scene. I can only tell you, in reply to these doubts, that I am more than ever convinced that, if we are to succeed in this task, the nations of the world must submit to the rule of law and abide by it. Confidence can only be created and maintained on a basis of respect for international engagements. It is therefore the duty of all nations, as indeed it is their interest, to respect international authority and to uphold it.
- 33. It was this conviction which led me, as Foreign Secretary, to put forward in 1943 the United Kingdom plan for a new world organization. Much of this plan was eventually embodied in the Charter of the United Nations. It was this conviction which, even before the war with Germany had ended, led me, on behalf of my country, to give the fullest support to the initiative of the United States which resulted in the conference at San Francisco. When I spoke at the opening of that conference, in April 1945, I outlined the reasons which made some kind of international organization even more necessary then than it had been before. I would like to quote to you these few words:

[Our proposals], I said, 'impose obligations equally on all of us, on every Power here represented. But I am conscious that a special responsibility lies on great Powers in these days when industrial potential is so decisive a factor in military struggle . . . Great Powers can make a two-fold contribution. They can make it by their support of this organization. They can make it also by setting themselves certain standards in international conduct and by observing those standards scrupulously in all their dealings with other countries. . . . The greater the power any State commands, the heavier its responsibility to wield its power with consideration for others and with restraint upon its own selfish impulses.'

34. These words, I suggest, are as true today as when they were spoken. With them in my mind I take this opportunity to declare that my own faith in the principles and purposes of our Charter is unshaken. That faith is not daunted, either by the disappointments of the past or by the critical

¹ See Documents of the United Nations Conference on International Organization, Vol. I, document 15 P/3, 1st Plenary Session.

challenge of the present. It is only too true that we are today confronted with difficulties enough and to spare. They loom and vex us in every continent. Yet, if the nations have the will to solve them, here, in this Organization, is machinery which by itself alone can work that miracle. Here we have an instrument to hand. We must use it, as the Charter says, as a centre for harmonizing the actions of nations. And by that I mean the actions of all nations, for in my judgment it would indeed be a tragedy of this Organization lost for any reason its universality, its appeal and its widely representative character for men of all creeds and convictions.

35. But the instrument cannot produce harmony in an atmosphere of discord and abuse. For example, on Wednesday last three of the Powers represented here at this Assembly, the United States, France and ourselves, put before you certain proposals for disarmament [A/1943]. One might surely have expected, remembering the hopes placed in the United Nations in the early days, that these proposals would have been welcomed, or at least considered on their merits. Yet, within a few hours, they were denounced by the representative of the Soviet Union in a speech which certainly did not err on the side of moderation. Mr. Vyshinsky's cataract of abuse did not anger me, but it saddened me, as I think it must have saddened and discouraged the millions throughout the world who read or heard of it. In my view the peoples of our countries do not expect their leaders to shout abuse at one another, but rather to make contacts and to try to reach understandings for peace.

36. The most fantastic of all the charges levelled against us last Thursday was that we were war-mongers. Let me assure this audience—need I really do this?—that everyone in Britain 'the people, Parliament, the Government' deeply desire peace. And is not that natural enough? We have suffered too much, as individuals and as a nation. We had six years of war. For more than a year of that war the countries of the Commonwealth and Empire stood alone—alone—in the fight against Hitler's aggression, whilst those who are now calling us war-mongers had a pact with Hitler. Since the war I have travelled widely throughout the British Commonwealth and in the United States of America. Everywhere, everywhere, as in my own homeland, I had first-hand evidence of how deeply the people, and the Governments which they freely elect, are devoted to peace.

37. In all our actions we seek peace; yet our proposals are laughed to scorn. I must admit that I do not understand or accept such methods. I do not believe, or ask you to believe, that in any dispute one party is one hundred per cent. a black villain, and the other party one hundred per cent. snow-white. That is against the law of averages. All men are fallible, and peace can only rest on mutual forbearance and restraint.

38. Should we not, then—fellow representatives, I make this appeal—

should we not, then, do much better to proclaim a truce to name-calling and angry words? Could we not, instead, apply our minds dispassionately to serious problems? I am sure that we should. Shall we try from now onwards? That will be my task.

- 39. Before I deal with positive tasks for this Assembly there are two general points which I desire to make.
- 40. We are told that membership of the North Atlantic Treaty is incompatible with membership of the United Nations. This assertion is based on the charge that the North Atlantic Treaty Organization is an aggressive bloc, which it certainly is not, and never has been. Article 51 of the Charter expressly recognizes the rights of collective self-defence and the North Atlantic Treaty is firmly based on that Article. Its sole purpose is defence. Why, then, you may ask, was the North Atlantic Treaty necessary? I was not a member of the Government that signed it, but I and my colleagues wholly and fully support it. The answer to that question is that the disparity between the forces of East and West had become a grave danger to peace. The world has surely learned by painful experience the danger of such inequality. We disarmed in good faith but our example was not followed. In like good faith we now seek to restore the balance, still in pursuit of peace. For we know that to win that peace we must negotiate as equals.
- 41. The second condition is respect for the sanctity of treaties. This is an obligation which binds all States—may I say all States both small as well as great? I commend to your attention the wise words spoken on this subject by the New Zealand [337th meeting] and Brazilian [335th meeting] representatives. Those who benefit from collective security must also accept its obligations. Unless this is admitted, the United Nations will never work, and there will be international anarchy. How, then, can we apply the principles that I have just set before you to the work of this Assembly which is meeting now?
- 42. First, let me make it clear that France, the United States and ourselves intend to persevere with our disarmament proposals. We do not insist upon them, as the representative of the USSR maintains, but we invite this Assembly to examine them with sincerity and goodwill. We ask our critics to study them. We suspect they may have been so busy laughing at them that they have not really had time to read them. To us, it seems that our proposals are serious and sensible and that they lay the foundations for a practical plan to be accomplished by stages. Let me draw your attention to certain important new features of the proposals.
- 43. In the first place, we now put forward a progressive system of disclosure and verification of armed forces and armaments. We suggest—we only suggest; we do not dictate—that this should begin with the less important categories of armed forces and armaments, and then move on

to those that are more difficult to handle. This, I admit, is something new. Its purpose is not delay. The sooner we can agree on the simpler categories, the sooner we shall have the confidence to tackle the more complex tasks.

- 44. Secondly, we propose that agreement should be reached on certain definite criteria, criteria for the limitation of armaments of which Mr. Acheson the other day [335th meeting] gave us examples.
- 45. Thirdly, and most significant of all, we now propose that atomic weapons should be included in the same system of disclosure and verification as conventional armaments.
- 46. All this, I submit, is a new departure in three important respects. Yet we are told that we have made no advance upon what we have proposed before. The USSR delegation has often complained in the past that we were artificially separating conventional and atomic armaments, and I understand that argument. Well, now we have linked them together. Is that an advance or is it not? If our disarmament proposals contain nothing else, I submit in all seriousness to my fellow representatives that for these reasons alone they are worthy of study by this Assembly.
- 47. Now the criticism is made that we, in these proposals, link the reduction of armaments with the settlement of outstanding political issues. Of course we do. That is perfectly true; but that does not suggest that we are looking for reasons for delay, nor, still less, does it prove the insincerity of our efforts. But is it not obvious to anyone who seriously thinks about these matters, particularly those of us who sat through those long disarmament discussions at Geneva so many years ago, that genuine disarmament can only be achieved step by step with the reduction of tension and the settlement of urgent political disputes? If we had come before you with grandiose proposals for immediate disarmament, isolated from any attack upon the real fundamental causes of tension, then you might have accused us, and accused us justly, of insincerity. We have not done this. We have been, I submit, realistic and practical.

(b) Mr. Vyshinsky, 16 November 19511

During the general debate which has now reached its closing stages, many representatives have touched on a series of extremely important questions arising mainly from the statements and proposals of the United States, United Kingdom and French delegations on the one hand and of the delegation of the Soviet Union on the other. Although considerable attention has already been paid to those proposals, not all the questions have been sufficiently clarified; they cannot therefore be regarded as exhausted.

43. We have already pointed out that these proposals of the three Powers [A/1943] submitted in their much advertised plan for the reduction

¹ General Assembly, Sixth Session, 348th Plenary Meeting, pp. 189-91 and 194-5.

of armed forces and armaments, including atomic weapons, and allegedly aimed at reducing the danger of war and strengthening the security of all countries, by their very nature do not conform to the advertisement. A careful analysis of the tripartite statement containing these proposals is enough to convince us that this is so.

- 44. In my first appearance here [336th meeting] I was not able, of course, to subject that statement to the thorough analysis it fully deserved. I confined myself then to a few passing remarks, and shall not conceal the fact that I also informed the Assembly that the statement had made me laugh. But more of that later, if at all.
- 45. Take, for example, such an extremely important matter as the prohibition of atomic weapons; it turns out that the statement does not provide for the prohibition of atomic weapons at all. This is utterly unacceptable. It is certainly no accident that the tripartite statement, in paragraph 5, merely mentions casually that the basis 'for the atomic energy aspects of any general programme for the regulation, limitation and balanced reduction of all armaments and armed forces' should continue to be the so-called 'United Nations plan for the international control of atomic energy and the prohibition of atomic weapons.' But we all know that this so-called plan for the control of atomic energy and prohibition of atomic weapons, which has already been imposed upon a majority of the States Members of the United Nations by the United States, although it may speak of international control of atomic energy and of achieving the prohibition of atomic weapons through such control, in reality contains neither international control nor prohibition of atomic weapons.
- 46. Have we already forgotten that as long ago as 1946 the United States Committee on Atomic Energy—the Chairman of which was the present Secretary of State of the United States of America, Mr. Acheson, whom I am pleased to see among us—in a report¹ prepared with the assistance of its Board of Consultants, headed by Mr. Lilienthal, one of the authors of the 'Baruch Plan', and composed of such prominent specialists in the production of atomic weapons as Barnard, Oppenheimer, Thomas and others, pointed out in referring to this so-called international control plan, which the tripartite statement now cites, that the plan did not require the United States to discontinue the production of atomic weapons even after the international control plan had been put into effect? Is that a fact or is it not?
- 47. Up till now I have received no reply to this question. Such eloquent members of the United States delegation as Mr. Austin, who, as we know, replies to any question with a wide variety of objections, have hitherto given no answer. Perhaps they will answer this time, if only under rule 74.

David E. Lilienthal and others: A report on the international control of atomic energy, prepared for the Secretary of State's committee on atomic energy by a board of consultants (New York, Doubleday, 1946).

I will gladly make room for them on this rostrum, which I shall not occupy forever.

- 48. Perhaps they will reply to the question as to the meaning of the letter, signed four or five years ago by Mr. Acheson, to the then Secretary of State, Mr. Byrnes, in which it was stated that even after the so-called international control plan had been put into effect the United States would by no means be obliged to discontinue production of atomic weapons, but that everything would still depend on ratification, on discussion of political conditions, on the international situation, which the Senate would be bound to take into account when it finally decided the question along with the House of Representatives.
- 49. Thus the plan which is now cited by the tripartite statement not only does not provide for prohibition of the production of atomic weapons but, on the contrary, stipulates that the United States may continue to produce atomic weapons after the international control plan goes into effect. This is one of the characteristic features of the Baruch Plan. Another is that it provides for the kind of international control system for atomic energy that must inevitably lead to the unlimited power of American monopolists, who would thereby become masters of the whole world's economy, including the resources of atomic energy. Thus this plan is not a plan for international control but for American control, which bears no relation to the objectives of a genuine international control organ. In the terse expression of the head of the USSR Government, Stalin, it is a take-off, a travesty of international control.
- 50. Note that this plan, which is supposed to be a plan for the international control of prohibition of the atomic weapon—notice this point particularly—not only fails to provide for prohibition of the atomic weapon, but provides—and this in my opinion is monstrous—that the international control organ, responsible for ensuring that the future decision prohibiting the atomic weapon is correctly, honestly and conscientiously carried out, the very organ created for that purpose, should possess a research department of its own which would deal, as is stated in various American documents, with the development and use of the atomic weapon. It is enough to make a cat laugh! An international control organ is to be set up to ensure that no one should be able to produce the atomic weapon; and provision is made for that control organ to include a special research institution for the further study of the possibilities of further developing the atomic weapon!
- 51. That is the plan which, according to the tripartite statement is to serve as the basis for that part of the general programme for the reduction of armaments which concerns atomic weapons. Naturally the Soviet Union was and still is unable to agree to a plan which instead of prohibiting atomic armaments, legalizes the production and use of those barbaric

weapons for mass slaughter. The plan is entirely unsatisfactory and cannot be accepted by any sensible person who really wishes to solve the problem and really stands for prohibition of the use of atomic energy for military purposes and for its use exclusively for peaceful purposes. Nevertheless, the plan is praised to the skies here by Mr. Acheson and Mr. Eden, who are attempting to win us over by advancing, among their other proposals, one for the inclusion of atomic weapons in the same 'system of disclosure and verification' as conventional armaments. Mr. Eden calls this an advance with respect to atomic armaments, and says that had the three Powers made no other proposal their statement would nevertheless deserve study by the Assembly. Even for the wisest it is never too late to learn; the proverb contrasts 'the light of learning with the darkness of ignorance'.

- 52. What is important, however, is not that certain proposals should be studied, but the content and value of those proposals; whether or not a real and absolutely necessary solution can be found to this serious, vital problem. And there can be no serious solution of the problem of atomic armaments without their unconditional prohibition, a subject which the United States of America, England and France persistently avoid in their statement. That is the fact.
- 53. The three Powers also propose in their statement that a resolution should be adopted concerning the provision of information on armaments, it being understood that this information would be furnished progressively, or, in the words of the statement, 'in successive stages'....

The actual shift from one stage to another will, according to Mr. Acheson's and Mr. Eden's statements, be made at the discretion of those who hold the mechanism controlling the reduction of atomic weapons and all armaments, as well as the prohibition of atomic armaments. Mr. Acheson underlined that 'in a world charged as ours is with suspicions and dangers, our peoples want the safeguard that disclosure and verification can provide'. It is entirely understandable and a matter of elementary logic that if this is in fact so, then an effort must be made to disclose as soon as possible the most important features which give the best safeguard. But the tripartite statement turns the whole matter upside down, or, as the English and Americans are fond of saying, 'puts the cart before the horse'; or as it seems the Australians and Canadians say, evidently preferring oxen to horses, 'puts the cart before the ox'. Mr. Acheson says that safeguards are necessary and that only if such safeguards are forthcoming will transition from one stage to the next be possible. He states directly: 'As we move from stage to stage, we would have increasing evidence of good faith and honesty. We would not go forward', he adds, 'without that evidence.' This way of stating the issue can only mean one thing: that the transition from one stage to the next in the submission of information on armaments

under the three-Power plan will be made directly dependent on whether those States possessing the most powerful, dangerous and threatening weapons, on which information has to be published and made known at succeeding stages, will be prepared to accept as satisfactory the results of submitting the required information at the first stage. This can only mean that the fate of the whole plan for collecting data on armaments, for verifying these data and for implementing measures for the reduction of armaments will reside in the hands of the possessors of the more powerful and dangerous weapons. This, finally, may well mean that the decision as regards the transition from one stage to the next will be entirely up to those same Powers, which will decide in accordance with their interests. If they recognize that it is possible to make known the more secret and dangerous types and forms of armaments, they will accordingly do so, and will proceed to the ensuing stage; if they do not recognize this to be possible, they will not do so and will not transmit the information to anybody. Thus the whole affair will come to a standstill and stop at the preceding stage.

59. Naturally we cannot agree with this way of formulating the problem. A programme for the reduction of armaments in general, based on this principle, would be just as unacceptable as the similar system of stages underlying the Baruch Plan for the control of atomic weapons. This 'system of stages', in the hands of the masters of the situation, which the United States of America aspires to be, would constitute means of refusing for an indefinitely long period to carry out inconvenient and, from their own point of view, embarrassing control measures, or of implementing these measures unilaterally with respect to other States.

60. The system of stages in the Baruch Plan for so-called international control was intended to confine such control to the first stage in the production of atomic energy, that is, to subject to control only the extraction of raw materials, including uranium and others, and to prevent the extension of international control to the subsequent stages of production of atomic weapons. Under the conditions existing when the United States held the monopoly of atomic weapons, this system of stages, elaborated in the Baruch-Acheson-Lilienthal Plan, admirably suited the United States in atomic matters, for it placed under control only those engaged in extracting raw materials for atomic weapons, and freed from all control those engaged in the actual production of atomic weapons. An attempt is being made to apply this system even now, although the United States has lost its former monopoly of production of atomic weapons and so should realize by now that what is convenient for a monopolist is no longer convenient for him when he stops being a monopolist. The United States should know that it must find new paths to the solution of this problem and not repeat the same thing over and over again, like the magpie in our

proverb which used to repeat the same things about everybody, no matter whom.

61. We have already said that all these proposals of the three Powers amount in substance to proposals for a census of armaments, which is to be carried out without any preliminary resolution for the reduction of armaments and before prohibition of atomic weapons, and which is designed to drown the main issue of the reduction of armaments and the prohibition of atomic weapons in a flood of words. This, however, is the main issue. Until the Assembly passes two resolutions on these two supremely important questions, anything else will have no practical significance whatsoever and will remain empty verbiage.

62. That is why we are urging that the Assembly should not shelve this matter but should resolve to prohibit atomic weapons, to establish strict international control to ensure that this prohibition is conscientiously and honestly observed and to reduce all other types of armaments. This resolution must be adopted and duly registered in the miracle book of the General Assembly. Afterwards it will be easy to agree on the important practical measures. But until this is done, alas! we shall be unable to move from our present position owing to a number of circumstances about which I, with your permission and if the Australian representative has no objection, shall have to speak further.

63. I must state that, of course, as soon as resolutions are passed for the reduction of armaments and for the prohibition of atomic weapons by all States—I stress this, by all States—information on armaments must be furnished as soon as possible.

64. As long ago as the first session of the General Assembly, in New York in December 1946,¹ the Soviet Union submitted a proposal to recognize the necessity for all States Members of the United States to furnish information on all their armed forces and armaments. The tripartite proposal, however, does not refer at all to military bases. It is of course impossible to ignore military bases in any reference to armaments and armed forces; for, when a military base is situated on foreign territory it is one of the ways of using armaments and armed forces which constitutes the greatest danger to peace. But, gentlemen of the American delegation here present, that is precisely the matter which we are discussing.

65. The tripartite proposal does not refer at all to military bases. You know, even under the strongest microscope you won't find a trace of them, no trace at all of military bases on foreign territory. But in the meanwhile these bases are being established month after month by the organizers of the aggressive Atlantic bloc, although they do not mention the fact, and although the issue of the reduction of armaments and the prohibition of

¹ See Official Records of the General Assembly, Second part of 1st Session, First Committee, annex 90 and annex 91.

atomic weapons is closely connected with it. They cannot, however, be convinced of this....

- 108. The delegation of the Soviet Union has already proposed to the General Assembly its positive programme of measures for averting the threat of a new war and guaranteeing the peace and security of the peoples. At the very beginning of our general debate we introduced our proposals [A/1944] on this matter under the following heads:
- 109. The incompatibility of membership in the United Nations with participation in the aggressive Atlantic bloc, and the creation by certain States, and primarily by the United States, of military bases in foreign territory;
- 110. The immediate cessation of military operations in Korea, the conclusion of a truce, the withdrawal of forces from the 38th parallel within a period of ten days, and the withdrawal of all foreign troops from Korea within a period of three months;
- III. The convening of a world conference on the reduction of armaments and armed forces, the prohibition of atomic weapons, and the establishment of international control over the observance of that prohibition;
- 112. The conclusion of a peace pact between the five great Powers: the United States of America, the United Kingdom, France, China and the Soviet Union.
- November the Soviet Union delegation deems it essential at the present time, for the reasons just stated, to make a number of additional proposals.¹
- adopt a resolution that: considering the use of atomic weapons, as weapons of aggression and of the mass destruction of people, to be at variance with the conscience and honour of peoples and incompatible with membership of the United Nations, it proclaims the unconditional prohibition of atomic weapons and the establishment of strict international control over the enforcement of this prohibition. We propose that the General Assembly should instruct the Atomic Energy and Conventional Armaments Commissions to prepare and submit to the Security Council, not later than I February 1952, for its consideration, a draft convention providing measures to ensure the implementation of the General Assembly decision on the prohibition of atomic weapons, the cessation of their production, the use of already manufactured atomic bombs exclusively for civilian purposes, and the establishment of strict international control over the observance of the above-mentioned convention.
 - 115. Secondly, the General Assembly should recommend the permanent

¹ These additional proposals were subsequently distributed as document A/1962.

members of the Security Council, the United States, the United Kingdom, France, China and the Union of Soviet Socialist Republics, to reduce the armaments and armed forces in their possession at the time of the adoption of this recommendation by one-third during a period of one year from the date of its adoption. The Philippine representative has, of course, grossly distorted the facts by saying that all countries have reduced their armed forces with the exception of the Soviet Union. He has forgotten or has not read a number of official documents. I shall not deal with this aspect of the matter, as I am prepared to postpone detailed discussion of it until it is taken up in the First Committee; I shall merely say at this stage that we have demobilized thirty-three military age groups since the end of the war. It seems that Mr. Romulo is a general; he should know what thirtythree age groups means. If he does know and appreciate what they mean, he had no right to say what he did say from this rostrum. As I have already pointed out, however, he is an enthusiastic person and in his enthusiasm is often led to make statements which are contrary to the truth.

- 116. Thirdly, the General Assembly should recommend that forthwith and in any case not later than one month after the adoption by the General Assembly of the decisions on the prohibition of atomic weapons and the reduction by one-third of the armaments and armed forces of the five Powers, all States should submit complete official data on the situation of their armaments and armed forces, including data on atomic weapons and military bases in foreign territories. These data should relate to the situation obtaining at the time when the above-mentioned decisions are adopted by the General Assembly.
- 117. Lastly, we make the additional proposal that the General Assembly should recommend the establishment within the Security Council of an international control organ, the functions of which shall be to supervise the implementation of the decisions on the prohibition of atomic weapons and the reduction of armaments and armed forces, and to verify the data submitted by the States regarding the situation of their armaments and armed forces.
- 118. The significance of the foregoing proposals is obvious and requires no special clarification. I consider it necessary to dwell merely on our additional proposal for the one-third reduction by the permanent members of the Security Council of their armaments and armed forces, in connexion with the proposal we made on 8 November for the convening of a world conference on reduction of armaments and armed forces and the prohibition of atomic weapons. We consider it expedient and essential that the General Assembly should adopt in principle a recommendation concerning the reduction of armaments and the prohibition of atomic weapons, and that a world conference, with a wider membership, including all countries of the world, should consider specific questions, arising

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(iv) Resolution on the regulation, limitation and balanced reduction of all armed forces and all armaments and on the international control of atomic energy, adopted by the General Assembly on 11 January 1952¹

The General Assembly,

Moved by anxiety at the general lack of confidence plaguing the world and leading to the burden of increasing armaments and the fear of war,

Desiring to lift from the peoples of the world this burden and this fear, and thus to liberate new energies and resources for positive programmes of reconstruction and development,

Reaffirming its desire that the United Nations develop an effective collective security system to maintain the peace and that the armed forces and armaments of the world be progressively reduced in accordance with the Purposes and Principles of the Charter,

Believing that a necessary means to this end is the development by the United Nations of comprehensive and co-ordinated plans, under international control, for the regulation, limitation and balanced reduction of all armed forces and all armaments, for the elimination of all major weapons adaptable to mass destruction, and for the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only,

Recognizing that a genuine system for disarmament must include all kinds of armed forces and armaments, must be accepted by all nations whose military resources are such that their failure to accept would endanger the system, and must include safeguards that will ensure the compliance of all such nations,

Noting the recommendation² of the Committee of Twelve established by resolution 496 (V) that the General Assembly should establish a new commission to carry forward the tasks originally assigned to the Atomic Energy Commission and the Commission for Conventional Armaments,

- 1. Establishes under the Security Council a Disarmament Commission. This Commission shall have the same membership as the Atomic Energy Commission and the Commission for Conventional Armaments, and shall function under the rules of procedure of the Atomic Energy Commission with such modifications as the Commission shall deem necessary;
- 2. Dissolves the Atomic Energy Commission and recommends to the Security Council that it dissolve the Commission for Conventional Armaments;

¹ General Assembly, Sixth Session, Supplement No. 20, Resolutions, 502 (VI), pp. 1-2.

² See A/1922.

- 3. Directs the Disarmament Commission to prepare proposals to be embodied in a draft treaty (or treaties) for the regulation, limitation and balanced reduction of all armed forces and all armaments, for the elimination of all major weapons adaptable to mass destruction, and for effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only. The Commission shall be guided by the following principles:
- (a) In a system of guaranteed disarmament there must be progressive disclosure and verification on a continuing basis of all armed forces—including para-military, security and police forces—and all armaments including atomic;
- (b) Such verification must be based on effective international inspection to ensure the adequacy and accuracy of the information disclosed; this inspection to be carried out in accordance with the decisions of the international control organ (or organs) to be established;
- (c) The Commission shall be ready to consider any proposals or plans for control that may be put forward involving either conventional armaments or atomic energy. Unless a better or no less effective system is devised, the United Nations plan for the international control of atomic energy and the prohibition of atomic weapons should continue to serve as the basis for the international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only;
- (d) There must be an adequate system of safeguards to ensure observance of the disarmament programme, so as to provide for the prompt detection of violations while at the same time causing the minimum degree of interference in the internal life of each country;
- (e) The treaty (or treaties) shall specifically be open to all States for signature and ratification or adherence. The treaty (or treaties) shall provide what States must become parties thereto before the treaty (or treaties) shall enter into force;
- 4. Directs the Commission, when preparing the proposals referred to in the preceding paragraph, to formulate plans for the establishment, within the framework of the Security Council, of an international control organ (or organs) to ensure the implementation of the treaty (or treaties). The functions and powers of the control organ (or organs) shall be defined in the treaty which establishes it;
- 5. Directs the Commission, in preparing the proposals referred to in paragraph 3 above, to consider from the outset plans for progressive and continuing disclosure and verification, the implementation of which is recognized as a first and indispensable step in carrying out the disarmament programme envisaged in the present resolution;
 - 6. Directs the Commission, in working out plans for the regulation,

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limitation and balanced reduction of all armed forces and all armaments:

- (a) To determine how over-all limits and restrictions on all armed forces and all armaments can be calculated and fixed;
- (b) To consider methods according to which States can agree by negotiation among themselves, under the auspices of the Commission, concerning the determination of the over-all limits and restrictions referred to in sub-paragraph (a) above and the allocation within their respective national military establishments of the permitted national armed forces and armaments.
- 7. Directs the Commission to commence its work not later than thirty days from the adoption of the present resolution and to report periodically, for information, to the Security Council and to the General Assembly, or to the Members of the United Nations when the General Assembly is not in session. The Commission shall submit its first report not later than I June 1952;
- 8. Declares that a conference of all States should be convened to consider the proposals for a draft treaty (or treaties) prepared by the Commission as soon as the work of the Commission shall have progressed to a point where in the judgment of the Commission any part of its programme is ready for submission to governments;
- 9. Requests the Secretary-General to convene such a conference when so advised by the Commission;
- 10. Requests the Secretary-General to furnish such experts, staff and facilities as the Commission may consider necessary for the effective accomplishment of the purposes of the present resolution.

358th plenary meeting,
11 January 1952.

B. THE SATELLITES

1. Czechoslovakia

(i) Extract from an article by Mr. Vaclav Kopecky, Czechoslovak Minister of Information, on the alleged conspiracy against the State by Dr. Vladimir Clementis, Mr. Otto Sling and Mrs. Maria Svermova, 13 April 1951¹

The Sling-Svermova-Clementis group in Czechoslovakia was a typical imperialist agency. Its leaders personify the present-day counter-revolutionary, reactionary bourgeoisie with all its vices and crimes. It is characteristic that the group was headed by Sling, son of a German factory-owner, an Intelligence Service agent, a political adventurer and criminal. Clementis, a Slovak bourgeois nationalist, betrayed the cause of the Party as

far back as 1939. Later, he became a hired agent of the French intelligence service, a spy and saboteur seeking, together with other bourgeois nationalists—Husak and Novomesky—to separate Slovakia from the Republic.

It was not fortuitous that Svermova became a conspirator and traitor. Her insincere, double-dealing attitude in relation to the Party, her anti-Soviet sentiments, ideological vacillation, manifestations of opportunism and extreme vanity—all these resulted, in the long run, in the fact that by the end of World War Two, Svermova had already established close relations with Sling and had betrayed the Party. Svermova, who betrayed the Party and Communism, and who cynically screened herself behind the memory of the late Jan Sverma—National Hero of Czechoslovakia—held the important posts of a member of the Presidium of the Central Committee of the Communist Party of Czechoslovakia, head of the Organisational Department of the Secretariat of the Central Committee and Deputy General Secretary of the Party. She became the main pillar in the group of the imperialist conspirators.

The criminals Sling, Svermova and Clementis were united by hatred for the Soviet Union, the Communist Party, the ideas of proletarian internationalism and Socialism. Similar was the ideology of their accomplices, most of whom came from the exploiting classes, were cosmopolitans, isolated from the people and the country, hired agents of various imperialist intelligence services. Some members of the group had once been in the service of the Czechoslovak police and later worked for the Gestapo, which after the defeat of Hitler Germany placed them at the disposal of the British and Americans. Others were directly recruited by the British, U.S. and French intelligence services. This refers, in particular, to some former members of the International Brigade in Spain.

The methods used by Sling and other saboteurs are instructive for enhancing vigilance in the Communist ranks in the People's Democracies. Sling had supported reaction even prior to February 1948. However, 'long-term' tactics, evidently, prevented him and other enemies of the Party from openly backing reaction during the decisive battle against it in February, 1948. Following the February victory over reaction and, particularly, after the publication of the resolution of the Information Bureau of the Communist and Workers' Parties exposing the treachery of the Tito clique, Sling received instructions from his American-British imperialist masters to begin preparations for a conspiracy similar to that plotted by the Rajk gang in Hungary and by Kostov in Bulgaria. Sling started intrigues in the Party with a view to extending his influence and placing his followers in important posts, as well as to turning Brno, the second biggest city in the country, where Sling was Secretary of the regional Party Committee, into his base. Sling succeeded in conveying the false

Documents (R.I.I.A.) for 1947-8, pp. 390-7.

impression that the Brno region was a model of 'new methods' of Party activity. Under cover of this noisy publicity conducted by Svermova, Sling, with the help of his henchmen, was able to influence, from Brno, the Party apparatus on a wider scale. The object of Sling's so-called 'new methods' was to distort the political line and undermine Socialist construction.

The noisy campaigns organised by Sling were of a subversive nature. As was the case with the Trotskyites and Zinovievites in their day, he used the 'Youth Directs Brno' campaign to win over young cadres by flattering and opposing them to the old, tested Party cadres. No less subversive was the campaign of 'wholesale liquidation' of small artisans, etc. Sling helped the reactionaries, smashed in February 1948, by appointing them to leading posts.

He became so brazen that, under the pretext of regulating the Party's relations with capitalists whose property had been nationalised, he used to summon capitalists from all over the Brno region, thus bringing together and organising counter-revolutionaries—enemies of the People's Republic.

Sling acted similarly on the question of unified agricultural co-operatives. On the one hand, he hampered the formation of unified agricultural co-operatives and prevented their development into higher types of co-operatives; he sought, on the other, by means of deliberate excesses, to provoke resistance among the peasants and to discredit the socialist reorganisation of agriculture. In the villages where conditions for higher types of co-operatives had not yet matured, Sling's associates organised them forcibly, declaring to the peasants that only an agent of American imperialism and enemy of peace would refuse to join such co-operatives. At the same time, the saboteurs recommended, by all means, to admit kulaks into the co-operatives and use them in leading posts.

Sling, Svermova, Clementis and their accomplices were hostile towards the Soviet Union, seeking to circulate anti-Soviet slanders and belittle the might and successes of the Soviet land. Svermova, for example, opposed the formation of the Czechoslovak-Soviet Friendship Society, and lost no opportunity to display her unfriendly attitude and malice against the U.S.S.R. These anti-Soviet tendencies formed the basis of the programme of all concealed enemies of the Party, and also the basis of the conspiracy directed by Svermova and Sling.

As has been established, in 1947 Svermova was against the setting up of the Information Bureau of Communist and Workers' Parties and in 1948 opposed the Information Bureau's Resolution on the situation in the Communist Party of Yugoslavia and endeavoured to secure that the section of the Resolution dealing with collectivisation as the path of building Socialism in the countryside should not be published in Czechoslovakia. It also became known that Svermova denied the socialist nature

of our revolution and did not recognize people's democratic power as a form of the dictatorship of the proletariat. Under the guise of 'Czechoslovak national Communism' she sought to halt the development of our country toward Socialism and to turn it back to capitalism.

Being head of the Organisational Department of the Secretariat of the Central Committee and Deputy General Secretary of the Party, Svermova tried to take the leadership of the secretaries of the regional Party committees into her hands, to slander, and oust the old, tried comrades and replace them by spies and lickspittles. Together with Sling and other saboteurs, Svermova tried to suppress inner-Party democracy, criticism, to inculcate a formal attitude to Party duties and underrate the significance of the ideological education of Communists.

(ii) STATEMENT BY THE UNITED STATES DEPARTMENT OF STATE ON THE TRIAL OF Mr. WILLIAM OATIS, 4 JULY 19511

The mock trial of the Associated Press representative at Prague, William N. Oatis, has now been brought to a conclusion. The sentencing is but an epilogue to this ludicrous travesty of justice in which the victim was required to speak his prefabricated 'confession' as a part of a public spectacle exhibiting all the usual Communist trial techniques. This was prepared and rehearsed in advance under police auspices and by customary Communist police procedures when Oatis was held incommunicado for 70 days between his arrest and presentation in court.

The proceedings revealed the flimsiest kind of alleged 'evidence', even more insubstantial than the Communists are accustomed to produce in trumped-up trials of this type. For example, the normal routine requests of the Associated Press for news reports, openly transmitted by wire, were distorted into 'espionage missions on orders from centers in New York and London'.

Such an attempted hoax on the intelligence of world opinion will fool no one. While it had all the trappings of legal procedure, it was in fact a kangaroo court staged before the klieg lights of propaganda. Its purpose was purely intimidation and propaganda designed to strike at the United States press services and against the free press of the world.

The 'confession' of 'espionage' was in truth but the admission of an American reporter that, in the high traditions of his profession he was attempting under the most unfavourable conditions to report a true picture of conditions and events in Czechoslovakia as he saw them.

The Czechoslovak regime has clearly demonstrated that it considers legitimate and normal news gathering and reporting as 'espionage'. As the prosecutor publicly stated, Oatis was held to be a particularly dangerous

Department of State Bulletin, 16 July 1951, pp. 92-93.

'espionage' agent, because he insisted on obtaining accurate, correct, and verified information. To do this is 'a crime', according to the concepts of the present Czechoslovak authorities, who find any press activity except the transmission of official propaganda to be 'espionage'. The Czechoslovak Government thus rejects completely the principle of freedom of information. It is presumed that the press of the free world will so view this turning back of the clock.

The proceedings of this especially arranged spectacle also included a number of groundless accusations against the American Ambassador and other members of the United States Embassy staff. These were invented as a part of the entire propaganda performance in attacking the United States.

This action comes as a climax in the treatment of American citizens in Czechoslovakia. It has accordingly been necessary to recognize that it is no longer safe for American citizens to go to that country and to prohibit private travel there until further notice.

If further evidence were needed, the arrest, the detention for months without access to friend, Embassy representative, or trusted legal counsel, the forced 'confession' to fabricated charges, the shabby 'conviction' of William N. Oatis shows that the present regime in Czechoslovakia fears truth, hates liberty, and knows no justice.

(iii) Official communiqué of the dismissal and arrest of Mr. Rudolf Slansky, deputy Prime Minister and former Secretary-General of the Czechoslovak Communist Party, 27 November 1951¹

The President of the Czechoslovak Republic has dismissed from his post deputy Prime Minister Rudolf Slansky and has removed him from the government. At the same time Slansky has resigned his seat in the National Assembly. There having recently come to light, in the course of investigations against a group of dangerous conspirators, certain facts, hitherto unknown, which have brought upon Slansky the accusation of having actively participated in subversion, he has been placed under preventive arrest.

2. Hungary

(i) STATEMENT BY THE UNITED STATES DEPARTMENT OF STATE ON THE CONDITIONS AGREED ON WITH THE HUNGARIAN GOVERNMENT FOR THE RELEASE OF Mr. ROBERT A. VOGELER, 28 APRIL 1951²

Robert A. Vogeler, an American citizen who has been held in Hungary for over 17 months, was today released by the Hungarian authorities and

¹ Translated from Relazioni Internazionali, 8 December 1951, p. 947.

² Department of State Bulletin, 7 May 1951, p. 723.

has arrived at the American Legation in Vienna. Mr. Vogeler was delivered by Hungarian officials into the custody of a representative of the American Legation in Vienna at Nickelsdorf on the Austrian frontier at 11 a.m. today (5 a.m. e.s.t.) and was escorted directly to Vienna.

The Department is gratified that this American citizen has regained the freedom of which he was unjustly deprived and that he is now safely reunited with his family. The release of Mr. Vogeler follows upon continuous efforts by the United States Government in his behalf since the beginning of his detention and brings to a successful close negotiations which the American Minister in Budapest, Nathaniel P. Davis, has carried on personally with the Hungarian Government over a long period of time, with skill and determination, under most trying conditions.

In connection with the understanding reached with the Hungarian Government for freeing Mr. Vogeler, assurances on the following points have been communicated by Mr. Davis to the Hungarian Government, and, in consequence of the latter's action in releasing Mr. Vogeler and of his safe arrival at the American Legation in Vienna, these assurances now enter into effect:

(1) The United States Government will approve the reopening of Hungarian consular establishments in New York City and Cleveland, Ohio.

(2) It will also, through its appropriate agencies, again validate the passports of private American citizens who may wish to travel to Hungary.

(3) Finally, the United States Government will facilitate the delivery of all Hungarian goods in the United States zone of Germany which, in the light of the provisions of article 30 of the treaty of peace with Hungary, have been found available for restitution, including Hungarian cultural property, and will permit two Hungarian representatives to enter the United States zone of Germany for the purpose of receiving such property and arranging for its transportation. United States civil and military officials in Germany will facilitate the entry of the Hungarian representatives for the purpose stated, render them all proper assistance as regards the collection and shipment of the property in question, and regard them as official representatives of the Hungarian Government.

With regard to the matters dealt with under points (1) and (2) above, it is, of course, the expectation of this Government that the Hungarian Government's observance of consular rights and the rights of American citizens will be in accord with international law and practice and with the provisions of existing treaties between the United States and Hungary. Moreover, private American citizens who may wish to travel to Hungary will undoubtedly wish to inform themselves through the Department or American missions abroad concerning conditions in that country.

3. Poland

(i) Extract from the indictment against Generals Stanislaw Tatar, Franciszek Herman, Jerzy Kirchmayer and Stefan Mossor and five other Polish army officers, 31 July 1951¹

During the period 1945–1950 the accused set up an organization for spying and high treason in the Polish army with the aims of undermining the defence of the Polish Republic, aiding the imperialist states in their schemes against the Polish Republic and overturning the People's Democratic régime by violence. They planned to detach the Polish western territories from Poland and incorporate them in a nationalist Germany and to reduce the rest of Poland to a colony of slaves.

In June 1944 the accused Tatar and the former Polish Prime Minister Mikolayczyk communicated their plans for the fight against the Polish people to high-ranking representatives of American imperialism and to Winston Churchill. These plans were approved by Churchill and the Americans, who in June 1944 provided \$10 million for carrying them out. . . .

In 1946 the heads of the conspiracy in London decided to set up a certain number of espionage cells within the Polish army. The accused Roman had the task of organizing these cells. In March 1946, at a conference in London in which the accused Tatar took part, it was agreed to put at the disposition of Mikolayczyk more than \$6 million, of which \$3 million were for espionage activities. The accused Tatar, Utnik and Nowicki deposited \$110,000 in various places in Poland. In January—March 1947 Kirchmayer transmitted fresh instructions from Tatar to the espionage centre in Poland and ordered an intensification of espionage activities against the Soviet Union. The accused spread their spy network wider in the Polish army and made contact with the American and British Embassies in Warsaw. . . .

Spychalski, whose relations with the accused became consistently closer, conferred key positions in the Polish army on Kirchmayer, Herman, Mossor and Kuropieska, and promoted them to be generals. Kirchmayer instituted direct contacts with the military attachés of Great Britain and the United States, as did the accused Jurecki, who directed an important espionage cell. The months of August and September were devoted to a final expansion of the espionage cells. The accused Roman obtained the task of organizing an espionage network among high-ranking military officers. Similar tasks were given to the accused Wacek. . . .

The Congress for unifying the Polish Workers' Party in 1948 destroyed the conspirators' hopes for a split in the party of Polish workers. The conspirators had to change their tactics and carry on their activities

¹ Translated from Relazioni Internazionali, 8 September 1951, pp. 701-2.

even more secretly. Representatives of the conspirators in London and of the espionage organization in the Polish army held a conference in Belgrade from 29 May to 2 June 1950, at which it was said that not Nazism but the spread of the communist movement among the workers represented the real danger. During the first months of the Nazi occupation, moreover, the Polish emigrants in London had indicated as their principal enemy not Nazism but the Polish Liberation Movement and the Soviet Union, thus betraying the interests of the Polish people.

4. Rumania

(i) Note from the Rumanian Government accusing the United States government of organizing espionage in Rumania, 12 December 1951

The Government of the Rumanian People's Republic [RPR] considers it necessary to declare to the United States Government:

Recently two diversionist spies, Vilhelm Spinder and Constantin Saplacan, were detained by elements of the RPR state security.

Investigations made have proved that they had been parachuted in the Fagaras region on October 18, 1951, by an American plane which took off from Athens.

Spinder and Saplacan have stated that they had been recruited by American espionage in 1951 in an Italian camp for displaced persons and subsequently took a special course in methods of diversion, shooting, radio, and parachute training at a special American espionage school in Italy.

There were found on the diversionists four radio transmission and radio receiving sets; two parachutes; and on each, ten grenades, five automatic guns, two American guns as well as ammunition for the arms. They had on them an important sum of money in gold and paper currency, also documents and poison vials.

Spinder and Saplacan have further stated that their mission was to prepare acts of diversion and terrorism in Rumania and to recruit an agency for this purpose; likewise to collect espionage information, first about the Rumanian Army, and its armament, about airdromes, military plants, railroad bridges, petroleum reservoirs, etc.

Such activities by American authorities, who organize the sending of spies, terrorists, and diversionists to the territory of the RPR, are a gross violation of the elementary rules of international law and are incompatible with normal relations between the states.

The Government of the RPR protests against the above-mentioned activities of American authorities.

The Government of the RPR awaits from the Government of the United

¹ Department of State Bulletin, 31 December 1951, p. 1057.

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States severe punishment of persons responsible for the sending of spies, terrorists, and diversionists to Rumania and the taking of necessary measures to prevent such criminal actions from being repeated in the future.

(ii) Extract from the United States reply, 20 December 19511

With reference to the note from the Ministry of Foreign Affairs dated December 12, 1951, the Legation has the honor to reject categorically the ridiculous charges contained therein. The Government of the United States cannot avoid the conclusion that this fantastic incident has been conjured up by the Rumanian Government in order to furnish some basis for an over-all propaganda campaign directed against the United States. The purposes of this propaganda campaign and of the invention of such incidents are best known to those controlling the Rumanian Government. The Government of the United States is unwilling to dignify them with further comment.

C. DEPORTATIONS

(i) Extract from a speech by Mr. Erno Gerö, President of the People's Economic Council, on the distribution of labour, made to the Second Congress of the Hungarian United Workers' Party Held on 25 February 1951²

An important source of supplying the necessary labour force for our economy is the correct management of the labour force. I have already said that we do not always act correctly in the management of the labour force. Among other things, the fact that in our plants and economic organs the number of administrative and auxiliary personnel became greatly inflated points to an incorrect management of the labour force. For instance, in 1950 the number of workers in our industry increased by 12 per cent. and that of the administrative personnel by 16.6 per cent. This entails not only the disadvantage that labour power is withdrawn from production but also that the inflation of the number of administrative and auxiliary personnel increases bureaucracy and renders more difficult the correct leadership of the economy, hence it finally retards and hampers production. It breeds bureaucracy because—as the saying goes—'office desks make work for themselves'.

The exaggerated growth of the distributive apparatus of our wholesale

¹ Department of State Bulletin, 31 December 1951, pp. 1056-7.

² Erno Gerö: The Results of the First Year of the Five-Year Plan and Our Future Tasks in Building a Socialist Economy (London, Hungarian News and Information Service, 1951), pp. 17-18.

trade also points to the incorrect management of the labour force to which we must definitely put a stop.

Although it may appear strange, it is a fact that while we are talking about labour shortage there is still an unused labour force of quite considerable volume in several plants and enterprises. The managers of the enterprises are holding this reserve in case they need it later when securing the necessary additional labour force may be difficult. Such an attitude is impermissible in our economy building socialism, it is directed against the interests of the State and injures the economy and socialism. For this reason we must put an end to this harmful phenomenon and direct the released labour force to where it is needed.

Mechanisation of Work Processes

In meeting the labour power requirements, considerable help will derive from the fact that in our economy we shall mechanise the work processes demanding a large amount of manual labour to a much greater extent than prescribed in the original Five-Year Plan; excavation works, the cutting, loading and transportation in mining, and, in general, in the transport of materials in our entire economy; harvesting and crop gathering in agriculture, and also forestry, because we can thus release tens of thousands of working people for other work, and at the same time we can place them to work on machines requiring a higher technical skill.

Although this is not exclusively a question of labour management, we must mention here that the squeezing out and partial liquidation of the exploiting classes has created in our towns—primarily in Budapest—a certain stratum which is unwilling to participate with honest work in production and construction. Quite a large number of these remnants of the exploiting classes, the various declassed elements, are not participating in production. These elements interfere with the healthy growth of our economy through their speculations, their sabotage against our public provisioning, and the spreading of sundry slanders and lies of the imperialists against our People's Democracy. It is clear that we must put a stop to this state of affairs with definite measures and ensure that these elements should abandon speculation and get down to productive work.

The planned increase of productivity of labour is an inexhaustible source of covering the deficit of labour power in production. This is a continually operating law of building socialism in our People's Democracy. This, as we have seen, must be assured by our investments growing at an increased pace, the raising of the technical level of the workers and toilers in general, mastering and application of the advanced Soviet production methods in an ever more planned manner, the improvement of the organisation and technical direction of production and the extension of socialist competition.

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(ii) STATEMENT BY PRESIDENT TRUMAN ON DEPORTATIONS FROM HUNGARY,
27 JULY 1951¹

Many Americans have expressed concern about the mass deportations from Hungary which are being carried out by the Communist Government of that country. Their condemnation of these brutal acts against the people of Hungary is in the best American tradition of concern for liberty and justice. I am deeply moved by the tragic plight of the Hungarian people, who bear a heavy burden of oppression, and I share the abhorrence which has been expressed with regard to these measures which the Hungarian Government has instituted in wanton disregard of every principle of right and decency.

The government of the United States is giving the closest attention to the deportations in Hungary with a view to taking such steps as may appropriately expose this situation to public view and judgment and render the Hungarian Government accountable before the world for its infamous conduct. The forced removal of thousands of persons from their homes by the Hungarian Government under the conditions which have been reported must be regarded as a flagrant violation of the human rights provisions of the treaty of peace. The United States Government has already formally charged the Government of Hungary with wilfully and systematically contravening these provisions, which obligate that Government to secure to all persons under its jurisdiction the enjoyment of human rights and freedoms, and has exposed these violations before the United Nations. In accordance with the terms of a resolution passed by the General Assembly on November 3, 1950, this Government will submit to the Secretary-General of the United Nations, and through him to all member Governments of the United Nations, detailed evidence which the Department of State has in its possession regarding many such violations. In view of the significant bearing which the present deportations have on the general question of the Hungarian Government's suppression of human rights and freedoms, the United States Government will also submit to the Secretary-General all evidence which may be available from reliable sources regarding the conditions under which such expulsions are being conducted.

(iii) Extracts from a note from the Yugoslav Government to the Rumanian Government complaining of the deportation of the Yugo-slav minority in Rumania, 17 July 1951²

For three years the Romanian authorities have systematically been bringing pressure to bear on the national minority and Yugoslav citizens

¹ Department of State Bulletin, 6 August 1951, p. 208.

² A/1843.

in Romania, a fact against which the Government of the Federal People's Republic of Yugoslavia has on several occasions protested. Recently, however, the Romanian Government has engaged in the persecution and general displacement of the Yugoslav national minority in Romania. Such displacements are being carried out in the most brutal way by the Romanian police and military units. . . .

For some time now, groups of deported members of the Yugoslav national minority have been sent daily to various destinations passing through Orsova, Turnu Severin, Ploesti, Craiova, Constanza and Bucharest. Thus, on 23 June 1951 alone twelve trains carrying citizens expelled from the Romanian frontier zones passed near Bucharest.

At the time of this removal and mass deportation of members of the Yugoslav national minority in Romania, the Romanian authorities have not hesitated to confiscate and destroy the property of these people.

The Romanian Government's persecution and displacement of the Yugoslav population in Romania represents a brutal violation of the human rights and fundamental freedoms proclaimed in the United Nations Universal Declaration of Human Rights which all civilized nations are bound to respect. By signing the Treaty of Peace, Romania also undertook to respect these same principles. In Article 3 of that Treaty, the Romanian Government undertook to secure to all persons within its Territory, human rights and freedoms and not to provide for or practise any discrimination against its citizens by reason of their race or language. Nevertheless, the Romanian Government is brutally violating its obligations under the Treaty of Peace by harassing and expelling the people from the frontier zones bordering on Yugoslavia for the simple reason that those people are of Yugoslav nationality. By its measures the Romanian Government is exterminating the Yugoslav national minority, which has been established for centuries as a compact national group along the Yugoslav-Romanian frontier in the region between Timisoara and Orsova. There can be no justification for the adoption by the Romanian Government of such measures of violence against the entire national minority. Once again, they reveal the enormous gulf which lies between the Romanian Government's despotic and inhuman infringements of the most elementary human rights, of man's freedom and personality, and the propaganda with which it attempts to dissemble its actions by discoursing on democracy and socialism.

Through its acts of violence committed against the Yugoslav population and through its attempts to make the entire Yugoslav national minority appear as the enemy of the Romanian people, the Government of the People's Republic of Romania is destroying the friendly feelings of the Romanian people for the people of Yugoslavia with whom they have always lived in peace and friendship. That friendship is still demonstrated

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today in the clearest possible fashion by the attitude of the Yugoslav people towards the Romanian national minority which is granted in Yugoslavia every right and facility for its general national and cultural development.

The displacement of the Yugoslav national minority in Romania follows upon the steps recently taken by the Governments of certain other countries towards the Yugoslav national minority in their respective territories. This displacement is being carried out in these countries in accordance with a definite plan, the aim of which, particularly in the case of Romania, is to remove the entire Yugoslav national minority from the frontier zones bordering on Yugoslavia in order thus to facilitate non-pacific and aggressive action against the Federal People's Republic of Yugoslavia. For these reasons, the hostile actions of the Romanian Government towards the Federal People's Republic of Yugoslavia constitute an act of incitement to war, intended to intensify the war psychosis and increase international tension. There is no need to point out that all this is in no way connected with the welfare of the Romanian people, but is in the exclusive interest of a foreign power's policy of domination.

By order of its Government, the Ministry for Foreign Affairs of the Federal People's Republic of Yugoslavia protests most energetically against the aforementioned actions of the Romanian authorities and asks that the Romanian Government should put an end to this new displacement of the Yugoslav national minority. The Ministry for Foreign Affairs of the Federal People's Republic of Yugoslavia also asks that those members of the Yugoslav national minority who have already been displaced should be returned to their homes, that the Romanian authorities should restore their movable and immovable property, and that the Romanian Government—in accordance with the Treaty of Peace—should secure to them the enjoyment of all their rights without discrimination of any sort.

D. CHURCH AND STATE

1. Czechoslovakia

(i) Communiqué issued by the Czechoslovak State Office for Church Affairs, announcing the dismissal of Archbishop Beran and the Appointment of a successor, 11 March 1951¹

Since, in accordance with paragraphs 101 and 23 of the penal code, a fine has been imposed on the Archbishop of Prague, Dr. Joszef Beran, on account of his negative attitude to the laws of the Church, and since he has been ordered to reside outside the diocese of Prague, the office of Ordinary of Prague has fallen vacant. For this reason the Metropolitan Chapter met at St. Vitus Cathedral on 8 March and having accepted the

¹ Translated from Relazioni Internazionali, 31 March 1951, p. 249.

resignation of the Vicar-General, Dr. Opatrny, unanimously elected Canon Anton Stehlik as capitular vicar of the diocese of Prague. The State Office for Church Affairs has approved the appointment.

The new capitular vicar, Anton Stehlik, has always been a patriotic and democratic priest. During the occupation he showed his sincere patriotism and was persecuted by the Gestapo. During the revolution of May 1945, although he did not belong to the people's movement, he collaborated in the health services with the fighting townspeople of Prague. From the beginning he took up a clear, positive and uncompromising attitude toward our people's democracy. He is one of the priests who, a short time ago, were solemnly installed in St. Vitus Cathedral, with the consent of the Ordinary, as new canons of the ancient and glorious Metropolitan Chapter of St. Vitus. Shortly afterwards the chapter, under the presidency of Bishop Eltschner, elected him unanimously as capitular vicar. This action of the Chapter of St. Vitus may be called a fortunate one, which will certainly mark a new and happy step in the common life of the State and the Church.

2. Hungary

(i) Exchange of notes between the Hungarian and United States Governments regarding allegations made against the U.S.A. during the trial of Archbishop Jozsef Grösz

(a) Hungarian note, 2 July 19511

The Hungarian Ministry for Foreign Affairs presents its compliments to the Legation of the United States and on behalf of its Government imparts the following:

It has been established at the competent Hungarian Court in the course of the recent criminal case of Jozsef Grösz and his accomplices that several officials of the United States Legation in Budapest had actively taken part, together with the persons accused, in a conspiracy aiming at the overthrow of the Hungarian People's Republic and in the espionage activity of the same persons.

It has been proved beyond any doubt on the ground of concurring confessions and testimonies of the accused and witnesses as well as real evidences that nine former or actually active officials of the United States Legation—regardless of the most elementary provision of International Law—interfered in a most outrageous manner with the internal affairs of the Hungarian State and having abused their diplomatic privileges were engaged in illegal activity against the Hungarian working people and its State. Members of the staff of the American Legation at Budapest established

Hungary: Ministry of Foreign Affairs: Documents on the hostile activity of the United States Government against the Hungarian People's Republic (Budapest, State Publishing House, 1951), pp. 201-3.

close ties with arrow-cross and Horthyist elements hostile to the people with the goal of organising and encouraging them for espionage and a conspiracy aiming at the annihilation of the land-reform, the nationalisations, and the democratic rights of freedom, and instructed the leaders of this conspiracy to form a bloodthirsty counter-revolutionary terror government opposed to the legal Government of the Hungarian People's Republic.

The Legation of the United States employed Alajos Pongrácz, a notorious spy of Horthy and the Gestapo, after having been fully informed of his dark past. This spy, named Pongrácz, making use of his post held at the Legation of the United States regularly did intelligence work and acted as liaison between the latter and the leaders of the reactionary anti-democratic conspiracy.

The Government of the Hungarian People's Republic points out that almost without exception in all fascist conspiracies revealed in recent years officials of the Budapest Legation of the United States were involved. This fact is closely linked with the general policy of the United States which fosters, supports by all means the outcasts of Hitler's Hungarian lackey, Szálasi, who have fled abroad and considers them as its allies. In the American Zone of Germany armed formations are being organised with official American support under the leadership of arrow-cross generals, who escaped their well-deserved fate in 1945 only because they fled and hid from being made responsible for their deeds. 'Committees' composed of such runaways and elements hostile to the people are also swarming in the United States, themselves openly spreading hatred against the Hungarian People's Democracy and its Government with the official support of the American Government. The United States are putting their radio network at the disposal of these fascist criminals and are supporting them pecuniarily. These arrow-cross generals, bloodthirsty ghetto commanders, inhumane murderers, open or undercover fascist mouthpieces of the Horthy regime who have been serving seven years ago Hitler and his regime, raging and wading in blood,—are now appearing as the champions of democracy, as the 'Voice of America' and are howling, agitating and calumniating in the name of liberty, humaneness and progress against everything created by the liberated Hungarian people with its assiduous work.

Although in the view of the Hungarian Government the fact that notorious fascist sleuthhounds, dirty of the Hungarian workers' blood, as newly born democrats are voicing the eulogy of the United States and attacking the People's Democracy, wholly abrogates the propaganda effect aimed at by the United States and although such propaganda unveils the political motives for which the Government of the United States fosters and supports the remnant of the base fascist mob, it still

protests in the strongest terms against such attitude of the Government of the United States, as one incoherent with normal relations between the two countries.

The Government of the Hungarian People's Republic demands at the same time that the Government of the United States immediately recall the Legation officials of whom it has been established in the criminal case against Grösz and his accomplices that they have carried out espionage and diversionist activity and who are still on duty in Budapest, else the Government of the Hungarian People's Republic will be obliged to take appropriate measures. It is also demanded that the Government of the United States close the library, as well as locals for motion pictures and music of the United States Information Service (U.S.I.S.), which proved to have served as organs camouflaging acts of espionage and subversive activity.

The Ministry for Foreign Affairs of the Hungarian People's Republic avails itself of this opportunity to renew to the Legation of the United States the assurance of its high consideration.

(b) The United States reply, 7 July 19511

The Government of the United States categorically rejects the allegations directed against the Legation of the United States and members of its staff by the Hungarian Government in its note of July 2 and regards the demands put forward by the Hungarian Government on the basis of these charges as arbitrary and unwarranted. The activities of the United States Legation in Hungary have been legitimate in every respect and in full conformity with international diplomatic practice. The United States Government concludes, therefore, that the conduct of United States Legation officials has been called into question only to serve the propaganda aims of the Hungarian Government.

In the view of the United States Government, the proceedings in the trial of Archbishop Grösz establish nothing except the fact that the Hungarian authorities are continuing by ruthless and unconscionable measures to terrorize the Hungarian people into mute submission to the existing regime and its totalitarian program. In this instance, as on many past occasions, the Hungarian Government has contrived a tissue of falsehoods in a brazen though futile attempt to justify before the world its continuing campaign to crush all dissent and to suppress the human rights and fundamental freedoms of its citizens. It is also evident that the Hungarian note of July 2 reflects the extreme annoyance of the Hungarian Government that the Hungarian people, despite unending Communist propaganda and repression, continue to maintain their feelings of deep friendship for the

¹ Department of State Bulletin, 16 July 1951, p. 94.

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United States as well as their firm confidence that the United States Government will not cease to concern itself with their tragic plight.

Without accepting or crediting in any way the preposterous charges which the Hungarian Government has advanced, the United States Government has taken the decision to discontinue certain cultural and informational activities mentioned in the Hungarian Government's note, since it is clear that the Hungarian Government has rendered impossible the maintenance of open and normal contacts and the free exchange of ideas and information between the two peoples. The United States Government believes, however, that the attitude of the Hungarian Government in this regard will be viewed with deep resentment and regret by the Hungarian people, who have shown a great interest in cultural contacts with the people of the United States and who are fully aware that this policy of the Hungarian Government is aimed at further isolating them from the free world. By its behaviour in this matter, the Hungarian Government has effectively demonstrated before the entire world that it dare not tolerate even to a limited degree the exercise of freedom of opinion.

(c) Further Hungarian note, 10 July 19511

The Government of the Hungarian People's Republic most categorically rejects the Note of the United States Government of July 7, 1951, which tries to interfere in a brazen way with the affairs of the Hungarian People's Republic and the Hungarian people. The Government of the Hungarian People's Republic states that the Government of the United States is unable to deny its support granted to fierce fascist and reactionary enemies of the Hungarian people and the criminal, diversionist, and spying activity of the officials of the American Legation, as set forth in the Note of the Government of the Hungarian People's Republic of July 2, 1951. Instead of this, the Government of the United States, which in its own country flouts the most elementary rights of freedom and is actually waging a campaign of terror against the followers of peace and progress, wants to teach the Hungarian people a lesson on human rights. The Government of the United States [had] better mind its own business.

As to normal relations between the two countries, their course is being rendered difficult by the Government of the United States through its open support granted to Hungarian fascism, to all enemies of the Hungarian working people, and through its using the American Legation at Budapest, as a spying center. In its Note of July 7, the United States Government tries to conceal such activity by brutal calumnies which the Government of the Hungarian People's Republic stigmatises and refutes in the sharpest way.

¹ Documents on the hostile activity of the United States Government against the Hungarian People's Republic, p. 206.

3. Poland

(i) Announcement by the Polish Government of the abolition of the temporary ecclesiastical administration in the Polish Western territories, following the signature of the Polish-German frontier agreement, 27 January 1951¹

The temporary ecclesiastical administration established by the Vatican in the western territories has for a long time seriously opposed the interests of the People's State and the unanimous, unshakeable will of all Poles, who consider that the western territories belong to the Polish Republic. The Polish government has spared no effort to abolish the temporary administration of the Church in the south-west territories (an administration which is counter to the intention expressed in the agreement of April 1950 between the government and the episcopate)² not only by a letter to the episcopate on 23 October 1950 but also in numerous conversations and conferences with the ecclesiastical hierarchy. This attitude has been supported by the majority of opinion in Poland, and has been expressed in various resolutions of the great masses of faithful and clergy.

These efforts have all been unsuccessful. Up to now the episcopate has refused to apply clear, concrete measures with a view to stabilizing the ecclesiastical institutions or to appoint permanent Polish bishops to the western territories. At the same time, with the support of the Vatican, elements hostile to Poland and to peace, particularly in Western Germany, have drawn profit from the provisional administration of the Church in the western territories for their own aims, in order to incite revisionist and militarist forces in Poland against the consolidation of friendly relations between Poland and Germany, and against the camp of peace.

Faced with this situation the Polish Government, considering that the fixing of the Polish-German frontier on the Oder-Neisse Line has been settled and validly acknowledged by the Polish Republic and by the German Democratic Republic as the permanent frontier between the two countries, and considering that the temporary status of ecclesiastical administration is detrimental to the interests of the Polish people, has given orders for the abolition of the temporary administration of the Church in the western territories and for the removal from these dioceses of all priests who are not charged with the duties of apostolic administrators.

This will permit the appointment of permanent capitularies and the recognition of all the present parish priests as permanently confirmed in their duties. The abolition of the present abnormal state of affairs will provide a more efficient safeguard for full liberty of worship, which is

¹ Translated from Relazioni Internazionali, 10 February 1951, p. 108. ² Documents (R.I.I.A.) for 1949-50, p. 429.

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protected by law, and will satisfy popular religious feeling. Thus, concurrently with the solemn ratification of the Polish-German frontier, the provisional ecclesiastical administration of the western territories comes to an end, sealing the union of these territories with the mother country in accordance with the will of the people.

PART IV

YUGOSLAVIA

1. Relations with the West

(i) Agreement between the U.S.A. and Yugoslavia on the provision of food to Yugoslavia, Belgrade, 6 January 1951¹

The Government of the United States of America and the Government of the Federal People's Republic of Yugoslavia having heretofore agreed on the terms and conditions under which initial shipments of food would be made to Yugoslavia to meet the immediate emergency resulting from the recent drought;

Desiring to set forth understandings which will govern the furnishing of additional relief assistance pursuant to the authority of the Yugoslav Emergency Relief Assistance Act of 1950² have agreed as follows:

Article I

1. The Government of the United States of America will, subject to the provisions of the Yugoslav Emergency Relief Assistance Act of 1950, furnish assistance to the people of Yugoslavia by making available such assistance as may be authorized by the Government of the United States of America.

Article II

- 1. The Government of the United States of America and the Government of the Federal People's Republic of Yugoslavia recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the assistance being rendered pursuant to this agreement and that all pertinent information be made available to the people of Yugoslavia. The Government of the Federal People's Republic of Yugoslavia will encourage the dissemination of such information by giving full and continuous publicity through the press, radio, and all other available media in Yugoslavia to the assistance furnished by the United States Government pursuant to this agreement, and will allow to the United States Government, in cooperation with the Yugoslav Government, the use of such media as may be required to accomplish this purpose.
- 2. The Government of the Federal People's Republic of Yugoslavia will permit and facilitate in every way the freedom of representatives of the Government of the United States of America, duly designated for this

² Public Law 897, 81st Congress.

Department of State Bulletin, 22 January 1951, pp. 150-1.

purpose by the United States Ambassador to Yugoslavia, without restriction, to observe, supervise and report on the receipt and distribution in Yugoslavia of commodities and other assistance made available pursuant to this agreement, and to cooperate fully with them by permitting them to have full access to communication and information facilities. The Government of the Federal People's Republic of Yugoslavia will grant to representatives of the United States Press full freedom to observe and report on the receipt and distribution of commodities and other assistance made available pursuant to this agreement.

- 3. The Government of the Federal People's Republic of Yugoslavia will make available to the Government of the United States of America such amounts, in dinars, as may be required by the Government of the United States of America to meet its expenses in Yugoslavia in connection with the administration and operation of the program of assistance provided pursuant to this agreement.
- 4. Commodities and other assistance made available pursuant to this agreement and similar supplies produced locally or imported from outside sources will be distributed equitably among the people of Yugoslavia without discrimination as to race or political or religious belief.
- 5. The Government of the Federal People's Republic of Yugoslavia will, when any dinar proceeds are realized from the sale of commodities made available pursuant to the authority of the Yugoslav Emergency Relief Assistance Act of 1950 including flour shipped from Germany and Italy, use an equivalent amount of dinars to provide relief to needy persons and to children for charitable and medical purposes or for such other purposes as may be mutually agreed to by the two Governments.
- 6. The Government of the Federal People's Republic of Yugoslavia will take all appropriate economic measures to reduce its relief needs, to encourage increased production and distribution of food-stuffs within Yugoslavia, and to lessen the danger of future conditions of food shortage similar to the present emergency.

Article III

The Government of the United States of America reserves the right at any time to terminate its assistance to Yugoslavia made available pursuant to this agreement, including termination of deliveries of all supplies scheduled but not yet delivered.

Article IV

This Agreement shall take effect on the day of its signature.

Done at Belgrade, in duplicate, in the English and Serbo-Croat languages, this sixth day of January 1951.

(ii) STATEMENT TO THE HOUSE OF COMMONS BY MR. ANEURIN BEVAN ON THE BRITISH GOVERNMENT'S ATTITUDE TO YUGOSLAVIA, 15 FEBRUARY 1951

There is also one point of considerable importance that I want to deal with. It has been mentioned in the course of the debate that a statement ought to be made concerning Yugoslavia. His Majesty's Government are alive to the potential threat to Yugoslavia from the swollen armed forces of the satellites which has been emphasised by hostile Soviet and satellite propaganda. Any threat to Yugoslavia, who played a heroic part in resistance to Hitler aggression, is naturally of concern to His Majesty's Government, and we are in touch with other Governments on this. I am sure that the House would not expect me to say more than this at the moment.

(iii) Extract from a Speech by Marshal Tito to the Guards Division, Belgrade, 16 February 19512

Yugoslavia will fight only in the event of aggression, that is, when it sees its independence called in question. At the moment we intend to take steps which will not conflict with our principles and which will not strain the already tense situation in eastern Europe, steps which are indeed necessary in view of the threat of war which hangs over us.

A potential aggressor would have had, a year ago, a far greater advantage than today, for then Yugoslavia was isolated. With our righteous policy of independence we have succeeded in being no longer isolated and in making Yugoslavia an object of interest to the whole world, not only to individual leaders but to the large masses of the people. With our loyalty to our principles, with our tenacity and sincerity, we have attained a renown which no-one can be smirch even with the filthiest means of propaganda.

The Yugoslav Communist Party has already sketched the main lines of its sure road in the event of aggression against Yugoslavia and against all Europe. Yugoslavia is taking a series of measures which should facilitate resistance to any aggression. In the west there are voices which say that Yugoslavia is in danger and that an attack against Yugoslavia would imply the grave threat of a wider conflict. This does no harm; on the contrary, since it is a question of our security and since it diminishes the possibility of anyone's deciding to attack.

Today Yugoslavia cannot consider the dispatch of arms from the West. To receive arms would be held in the east as a confirmation of the allegations of eighteen months ago that we had ceded military bases in

¹ H.C. Deb. 5th ser. vol. 484, col. 731.

² Translated from Relazioni Internazionali, 24 February 1951, pp. 144-5.

Yugoslavia to the Americans and others and that they were arming us. When the moment of attack against us becomes inevitable, matters will appear differently. We do not think the moment has yet come. This of course will harm our defensive preparations but it is of political and moral importance for us. We must show that we are not people who prepare for war, that we are not aggressors who always stand prepared. I said to a western diplomat, when we were talking of armaments, that I would rather that Yugoslavia waited for the attack with bare hands than as a satellite. We will create the means to fight as we created them in 1941 when the Fascists attacked us. We cannot be anyone's satellites, for then, with a population of 16 million and with a party of over a million and a half, we would have no meaning. But as an independent people of 16 million with our great political assets, we represent a great force, greater than our 13 divisions, or whatever they may become. . . .

Yugoslavia acted rightly in asking for aid from the United States and other western countries in order to overcome the people's food crisis. We were in a difficult position. Because of the unexpected drought we were threatened by famine. The situation would have become really critical if we had not asked for aid, for we had not the means of giving the citizens the necessary food. Thanks to western and American aid we shall overcome the food difficulties and will become stronger as a socialist country. We shall be stronger not only in opposition to the east, where we are threatened, but in general.

(iv) Letter from President Truman to the Chairmen of the Senate and House Armed Services and Foreign Affairs Committees regarding emergency aid for Yugoslavia, 16 April 1951¹

My dear Mr. Chairman: As you know, the United States has provided emergency food assistance to Yugoslavia during the past months to meet the threat to the security of that country caused by the recent drought: initially, under the provisions of the Mutual Defense Assistance Act,² the Economic Cooperation Act,³ and through loans made by the Export-Import Bank: and then under the provisions of the Yugoslav Emergency Relief Assistance Act.⁴ The drought which gave rise to the need for assistance, however, not only caused a shortage in the availability of food for consumption in Yugoslavia, but also has made it impossible for Yugoslavia to export the agricultural products with which Yugoslavia normally

Department of State Bulletin, 30 April 1951, pp. 718-19.

² Documents (R.I.I.A.) for 1949-50, p. 294.

³ Documents (R.I.I.A.) for 1947-8, p. 176.

⁴ Public Law 897, 81st Congress.

obtains the resources to pay for imports of critically needed raw materials. The consequent shortage of raw materials, which includes those basic to the needs of the Yugoslav armed forces, is so acute as to jeopardize the combat effectiveness of the Yugoslav armed forces and to weaken the ability of Yugoslavia to defend itself against aggression. This development seriously affects the security of the North Atlantic area.

As I explained to you in my letter of November 24, 1950, and for the reasons stated therein, I have found that Yugoslavia is a nation whose strategic location makes it of direct importance to the defense of the North Atlantic area, and that an immediate increase in its ability to defend itself over that which exists if no assistance is supplied will contribute to the preservation of the peace and security of the North Atlantic area.

I have determined, therefore, after consultation with the Governments of the other nations which are parties to the North Atlantic Treaty, that in order effectively to carry out the purposes of the Mutual Defense Assistance Act of 1949, as amended, it is essential as an immediate measure to use not to exceed \$29 million of the funds appropriated for the purposes of Title I of that Act to provide raw materials and similar supplies for Yugoslavia in amounts and kinds equivalent to certain consumption needs for supporting its armed forces. I am, under the authority of that Act, approving the procurement and shipment of such materials and supplies.

This letter constitutes the notification required by Section 408 (c) of the Mutual Defense Assistance Act, as amended.

(v) Extract from a statement to the Foreign Affairs Committee of the Yugoslav National Assembly by the Minister for Foreign Affairs, Mr. Edvard Kardelj, regarding discussions with the U.S.A. on military aid, 8 June 1951²

I cannot tell you anything definite today about this subject. The present course of the negotiations being conducted by our representatives abroad, which can however be considered as favourable, justifies the hope that the past actions of the Yugoslav Government will lead to positive results. The Yugoslav Government has taken the initiative in this matter with the sole and completely justifiable aim of defending the independence of the Yugoslav people and of contributing to the strengthening of peace in this part of the world. We should naturally be delighted if present-day international relations were such as to remove all preoccupation with armaments. If, however, at this moment, we underestimate the question of

¹ Department of State Bulletin, 4 December 1950, pp. 879-80.

² Translated from Relazioni Internazionali, 16 June 1951, p. 497.

reinforcing our country's defensive potential we shall not be committing a mere error but a crime against the independence of the Yugoslav people. Weakness always encourages aggression.

The basic reason for obtaining from abroad material for the army and plant for the arms industry stems from the existing situation on Yugoslavia's eastern and northern frontiers and from the fact that Hungary, Rumania and Bulgaria, together with those who are assisting them, have violated the dispositions of the Peace Treaties by which they agreed to have limited armaments and reduced forces. We cannot help connecting this rearming with the aggressive policy of the governments of neighbouring Cominform countries and of the whole Soviet bloc against Yugoslavia. The violation of the clauses of the Peace Treaties regarding armaments by Rumania, Bulgaria and Hungary represents a special danger for us. We will not allow anyone to try to make of Yugoslavia another Korea, that is, to incite this or that satellite against the people of Yugoslavia under the guise of preserving the peace.

Hitherto we have been strong enough to hold our neighbours at bay. We wish to remain so in future. This is in the interest of the defence not only of our own independence but also of the peace of the whole world. Therefore we have the right to hope that the Yugoslav people's fight for independence will attract the understanding and support of all who are interested in the preservation of peace in Europe. This is the spirit and this is the aim of the démarches undertaken abroad by the Yugoslav government for the acquisition of the plant and armaments necessary for our army.

(vi) STATEMENT IN THE HOUSE OF COMMONS BY THE FOREIGN SECRETARY, Mr. Morrison, on the provision by the United Kingdom of emergency economic aid to Yugoslavia, 5 July 1951¹

As the House is aware, British, American and French officials recently made certain recommendations to their respective Governments about a co-ordinated programme of tripartite short-term economic aid to Yugoslavia. These recommendations have now been approved. Subject to confirmation by the respective legislatures, the three Governments intend to make available substantial grants to Yugoslavia for the purchase of raw materials, consumer goods and other essential supplies.

The three Governments attach the greatest importance to strengthening Yugoslav resistance to pressure from the Cominform States, but they have no intention of attaching any political strings to their aid. At the same time, they will make every effort to ensure that it is put to good use. They expect the Yugoslav Government to take all possible measures to keep the

amount of foreign aid to a minimum. I understand from recent statements in the Yugoslav Parliament that the Yugoslav Government are fully alive to the necessity for such measures, and, in particular, for an export drive.

The amount of the United Kingdom share of aid to Yugoslavia for the remainder of the financial year ending 31st March, 1952, cannot at present be accurately estimated. It depends on the success of Yugoslavia in balancing her foreign payments. If estimates provided by the Yugoslavs prove well founded, the United Kingdom share may be of the order of £10 million.

It is intended to ask the House early this month to give approval in principle to the grant of short-term economic aid to Yugoslavia by agreeing to a supplementary estimate on the Foreign Office Grants and Services Vote for a token sum of £10. A further estimate will be submitted to Parliament in February, 1952, for the amount which it is estimated will be required during the year ending 31st March, 1952, to meet the United Kingdom share of such sums as may be found necessary.

In the interim, it is proposed to have recourse to the Civil Contingencies Fund to meet any necessary expenditure under this head. The total of such payments will be repaid to the Fund, as soon as the February, 1952, estimate has been approved by Parliament. The advantage of this method will be to ensure that, in the light of current estimates, Yugoslavia's immediate needs are met, but that provision will not be made far in advance for funds for Yugoslavia which, in the event, may prove to be unnecessary.

I understand that the French Government will also shortly approach the Assembly and that the United States Government will ask Congress to sanction funds for Yugoslavia within the scope of the comprehensive Foreign Aid Bill now under consideration.

(vii) Extracts from a press conference given by Marshal Tito regarding Yugoslavia's international position, Belgrade, 31 October 1951¹

QUESTION: What do you believe will be the future relations between Yugoslavia and the United States and North Atlantic Treaty countries?

Answer: There can be no essential changes in that sense. Relations will remain as they are, while the economic and cultural collaboration with these countries will develop. As regards all the problems of an international character—excluding Yugoslav internal problems and such international problems as comport a contradiction of our principles—we shall

¹ Translated from Relazioni Internazionali, 10 November 1951, pp. 869-70.

collaborate with all the countries which are members of the North Atlantic Treaty Organization....

QUESTION: Do you consider that the dispatch by the United States of military aid to Yugoslavia will bring about an essential change in your policy?

Answer: I do not know what you mean when you speak of an essential change in our policy. We follow a policy which is to the interest of the independence and safety of our country and which is designed to strengthen it. At a given moment—which is precisely this moment—we have been forced to ask America, England and France for military aid. Consequently there is no change in our line of conduct; on the contrary it follows logically from our policy, provoked by the aggressive attitude of the U.S.S.R. and the Cominform countries towards our country. We shall use all possible means to assure our country's peaceful development, but we shall not make concessions either political or otherwise.

QUESTION: What military aid have you asked for from the United States?

Answer: We have asked for everything of which we ourselves have not enough or which we do not have at all, particularly heavy arms, heavy artillery and aircraft. Our situation as regards small-arms is good and we can build up in that direction ourselves; however, we are not yet in a position to provide our own heavy arms. I should add that we have received notable quantities of small-arms, munitions and so on.

QUESTION: How have the aggressive tendencies of the Cominform countries bordering on Yugoslavia developed?

Answer: After the break with the U.S.S.R. and with the Cominform countries continued propaganda threats against Yugoslavia were observed. But this is not all: these turned to concrete threats and to armed force. The U.S.S.R. occupied itself in arming the satellite countries at all points, first of all Bulgaria, Rumania and Hungary. Following this rearmament the ratio between our strengths began to change and between 1949 and 1950 we were the strongest, not only in morale but from the point of view of armaments. Today all the satellite countries are receiving large quantities of heavy arms from the U.S.S.R. and dispose from 850,000–900,000 soldiers, that is, about a million if you include the police forces. This represents a great danger both for our country and for world peace.

QUESTION: Would you say if the talks you have had with General Collins have been satisfactory and if the present inequality between Yugoslavia's armed forces and those of the satellite countries can be reduced or even entirely abolished?

Answer: The talks with General Collins were satisfactory. They included

our particular situation, and as regards that an agreement will be made for aid in the field of armaments. As to the arms we are receiving following the changed relation between our forces and those of neighbouring countries, which are rapidly rearming, I would not put the question in that form. We are not arming to make war; we do not intend to attack anyone nor to vie with anyone in the matter of rearmaments. For us it is not so important to have reserves of arms as to have arms for the army that already exists, to have enough arms to defend our country, if necessary. The road to rearmament, however, is always dangerous. We cannot and we will not vie with our neighbours nor with their so-called great protectors; on the other hand we do not wish to be inferior to them in technical matters. The morale of our country is very high; it must be given modern technical means, and then its invasion and occupation will be impossible....

QUESTION: Does Yugoslavia consider the possibility of concluding defensive agreements with Greece and Turkey in order to face the military pressure upon them by the satellite countries?

Answer: Today Yugoslavia does not intend to conclude pacts with Greece and Turkey, not even pacts of a regional character. It is a fact that the danger which hangs over Yugoslavia also threatens Greece; aggression, in whatever part of Europe, means world war; therefore aggression against Greece is a danger for Yugoslavia also. This will determine our attitude and our relations with such countries according to the turn taken by events, and according to the importance of the danger. I do not know, nor could I say, what we shall do if aggression should come about: naturally we shall do all we can to stop it.

QUESTION: Would you like to give your opinion about future relations between Austria and Yugoslavia, particularly as concerns the liberation of prisoners of war still in Yugoslavia?

Answer: I consider relations between Austria and Yugoslavia are good enough and are becoming stronger every day, since economic co-operation between them is in process of being developed on a basis of equality. As regards the prisoners of war there are only a few of them, perhaps ten. Both the German and Austrian prisoners are being gradually released: they will eventually all be released, taking no consideration of the great losses caused by them, of the mass crimes committed by them for which they should have answered to our laws. We will agree to even this sacrifice, passing over much that was done in the past, so that the relations between our two countries may improve. There are no other problems in abeyance between our two countries, and what has been solved has been solved. Yugoslavia has arrived at a firm decision regarding a treaty with Austria, and our country and Austria seek to eliminate in all friendship anything which might harm the good relations between the two countries.

(viii) Letter from President Truman to the Chairmen of the Senate and House on Armed Services and Foreign Affairs Committees regarding the provision of military aid to Yugoslavia, 7 November 1951¹

As you know, the United States has for some time been supplying economic assistance to Yugoslavia in order to strengthen the defense capabilities of that country. Part of this assistance has come from funds appropriated for the Mutual Defense Assistance Act of 1949, as amended, and on each occasion when such funds were to be used, your Committee has been notified in accordance with the requirements of that Act.

Yugoslavia is being subjected to continued and increasing pressure by the Soviet Union and its satellites. Particularly during the past year, steps have been taken by the Soviet Union to augment the size and effectiveness of the armed forces of the Soviet satellites bordering on Yugoslavia. To meet this situation there is an urgent need to strengthen the Yugoslav armed forces which, as you know, both from the point of view of numbers and training, constitute a significant obstacle to aggression in Southeastern Europe. Yugoslavia has been unable to manufacture locally, or to fill from outside sources, many of its requirements for military equipment. The situation has become so acute as to jeopardize the combat effectiveness of the Yugoslav armed forces. As a result, the security interests of the United States and also of the free world now require that we undertake to provide military assistance to Yugoslavia.

Our security interests also require that we continue to provide economic assistance to Yugoslavia in order to enable that country to sustain and increase its defense capabilities. The extent of the Yugoslav defense effort has made very heavy demands upon the country's resources. In addition, the Cominform economic blockade and last year's serious drought have added to the strain. Without such economic assistance, essential production in Yugoslavia will be curtailed and the ability of Yugoslavia to defend itself will be dangerously impaired.

In view of the foregoing and in accordance with Section 101 (a) (1) of the Mutual Security Act of 1951,² I have determined that Yugoslavia is a country which is of direct importance to the defense of the North Atlantic area and that the increased ability of Yugoslavia to defend itself is important to the preservation of the peace and security of the United States. Military and economic assistance will be furnished to Yugoslavia as a result of this determination in accordance with concrete programs developed in terms of materially increasing the ability of that country to defend itself.

¹ Department of State Bulletin, 19 November 1951, p. 826.

² See above, p. 44.

This letter constitutes the notification required by Section 101 (a) of the Mutual Security Act of 1951.

(ix) Military Assistance Agreement between the U.S.A. and Yugo-SLAVIA, BELGRADE, 14 NOVEMBER 19511

The Governments of the United States of America and the Federal

People's Republic of Yugoslavia;

Desiring to foster international peace and security within the framework of the Charter of the United Nations through measures which will further the ability of nations dedicated to the purposes and principles of the Charter to participate effectively in arrangements for individual and collective self-defense in support of those purposes and principles;

Reaffirming their determination to give their full co-operation to the efforts to provide the United Nations with armed forces as contemplated by the Charter and to obtain agreement on universal regulation and reduction of armaments under adequate guaranty against violations;

Taking into consideration the support that the Government of the United States of America has brought to these principles by enacting the Mutual Defense Assistance Act of 1949, as amended,2 and the Mutual Security Act of 1951,3 which provide for the furnishing of military assistance to certain nations;

Desiring to set forth the conditions which will govern the furnishing of such assistance;

Have agreed as follows:

Article I

- 1. The Government of the United States of America will make or continue to make available to the Government of the Federal People's Republic of Yugoslavia equipment, materials, services or other assistance in accordance with such terms and conditions as may be agreed. The furnishing of such assistance shall be consistent with the Charter of the United Nations. Such assistance will be furnished under the provisions, and subject to all of the terms, conditions and termination provisions, of the Mutual Defense Assistance Act of 1949 and the Mutual Security Act of 1951, acts amendatory and supplementary thereto and appropriation acts thereunder. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.
- 2. The Government of the Federal People's Republic of Yugoslavia will use the assistance exclusively in furtherance of the purposes of the Charter

² Public Law 621, 81st Congress.

³ See above, p. 44.

¹ Department of State Bulletin, 26 November 1951, pp. 863-4.

of the United Nations for the promotion of international peace and security and for strengthening the defenses of the Federal People's Re-

public of Yugoslavia against aggression.

3. The Government of the Federal People's Republic of Yugoslavia undertakes not to transfer to any person not an officer or agent of that Government, or to any other nation, title to or possession of any equipment, materials, information, or services, received on a grant basis, without the prior consent of the Government of the United States of America.

4. The Government of the Federal People's Republic of Yugoslavia will provide the United States of America with reciprocal assistance by continuing to facilitate the production and transfer to the United States of America in such quantities and upon such terms and conditions as may be agreed on, of raw and semi-processed materials required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, and which may be available in Yugoslavia. Arrangements for such transfers shall give due regard to requirements of Yugoslavia for domestic use and commercial export.

Article II

1. Each Government will take appropriate measures consistent with security to keep the public informed of operations under this agreement.

2. Each Government will take such security measures as may be agreed in each case between the two Governments in order to prevent the disclosure or compromise of classified military articles, services or information furnished pursuant to this Agreement.

Article III

The two Governments will, upon request of either of them, negotiate appropriate arrangements between them respecting responsibility for patent or similar claims based on the use of devices, processes, technological information or other forms of property protected by law in connection with equipment, materials or services furnished pursuant to this Agreement. In such negotiations consideration shall be given to the inclusion of an undertaking whereby each Government will assume the responsibility for all such claims of its nationals and such claims arising in its jurisdiction of nationals of any country not a party to this Agreement.

Article IV

1. The Government of the Federal People's Republic of Yugoslavia undertakes to make available to the Government of the United States of America dinars for the use of the latter Government for its administrative and operating expenditures in connection with carrying out this Agreement. The two Governments will forthwith initiate discussions with

a view to determining the amount of such dinars and to agreeing upon arrangements for the furnishing of such dinars.

2. The Government of the Federal People's Republic of Yugoslavia will, except as otherwise agreed to, grant duty free treatment and exemption from taxation upon importation or exportation to products, property, materials or equipment imported into or exported from its territory in connection with this Agreement or any similar Agreement between the Government of the United States of America and the Government of any other country receiving military assistance.

Article V

The Government of the Federal People's Republic of Yugoslavia agrees to receive personnel of the Government of the United States of America who will discharge in its territory the responsibilities of the Government of the United States of America under this Agreement and who will be accorded facilities to observe the progress of the assistance furnished pursuant to this Agreement. It is understood between the two Governments that the number of such personnel will be kept as low as possible. Such personnel who are United States nationals, including personnel temporarily assigned, will, in their relations with the Government of the Federal People's Republic of Yugoslavia, operate as a part of the Embassy of the United States of America under the direction and control of the Chief of the Diplomatic Mission, and will have the same status as that of other personnel with corresponding rank of the Embassy of the United States of America who are United States nationals. Upon appropriate notification by the Government of the United States of America full diplomatic status will be granted to an agreed number of the personnel assigned thereto.

Article VI

- 1. The Government of the Federal People's Republic of Yugoslavia reaffirms that it will continue to join in promoting international understanding and goodwill, and in maintaining world peace; to make, consistent with its political and economic stability, the full contribution permitted by its manpower, resources, facilities, and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world; and to take all reasonable measures which may be needed to develop its defense capacities.
- 2. The Government of the Federal People's Republic of Yugoslavia undertakes to take such action as may be mutually agreed upon to eliminate causes of international tension.
 - 3. The Government of the Federal People's Republic of Yugoslavia

agrees to take appropriate steps to insure the effective utilization of the economic and military assistance provided by the Government of the United States of America.

Article VII

- 1. This Agreement shall enter into force on the date of signature; and will continue in force until one year after the receipt by either Party of written notice of the intention of the other Party to terminate it, provided that the provisions of Article I, paragraphs 2 and 3, and arrangements entered into under Article II, paragraph 2, and under Article III, shall remain in force unless otherwise agreed by the two Governments.
- 2. The Government of the United States of America reserves the right at any time to suspend its assistance to Yugoslavia made available pursuant to this Agreement, including deliveries of all supplies scheduled but not yet transferred.
- 3. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.
- 4. The terms of this Agreement may at any time be reviewed at the request of either Government or amended by agreement between the two Governments.
- 5. This Agreement shall be registered with the Secretary-General of the United Nations.
- (x) Resolution of the General Assembly on a complaint of hostile activities of the U.S.S.R., Bulgaria, Hungary, Rumania, Albania, Czechoslovakia and Poland against Yugoslavia, 14 December 1951¹

The General Assembly,

Having considered the complaint² submitted to it by the delegation of the Federal People's Republic of Yugoslavia concerning the activities of the Government of the Union of Soviet Socialist Republics and the Governments of Bulgaria, Hungary, Romania and Albania, as well as the Governments of Czechoslovakia and Poland, against Yugoslavia,

Viewing with serious concern the tension between Yugoslavia on one side, and the other above-mentioned countries on the other side,

Mindful of the purpose of the United Nations 'to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace',

Mindful of the authority of the General Assembly to 'recommend measures for the peaceful adjustment of any situation, regardless of origin,

¹ General Assembly, Sixth Session, Supplement No. 20, Resolutions, 509 (VI), p. 10.

² A/1946.

which it deems likely to impair the general welfare or friendly relations among nations',

- 1. Takes note of the declaration of the Yugoslav delegation that the Government of Yugoslavia for its part is ready to do all that is necessary for the carrying out of the recommendations of the present resolution;
 - 2. Recommends that the Governments concerned:
- (a) Conduct their relations and settle their disputes in accordance with the spirit of the United Nations Charter;
- (b) Conform in their diplomatic intercourse with the rules and practices which are customary in international relations;
- (c) Settle frontier disputes by means of mixed frontier commissions or other peaceful means of their choice.

355th plenary meeting, 14 December 1951.

2. Relations with the Vatican

(i) Extract from a press conference by Marshal Tito, regarding Yugoslavia's relations with the Vatican, 31 October 1951

QUESTION: What is the outlook for future relations between the Vatican and Yugoslavia within the framework of a peaceful policy?

Answer: I think that the Vatican should proceed to a peaceful policy and contribute to bringing about world peace in countries where there are difficulties. We have nothing against the Vatican; we have no motive for considering the question of relations between the Vatican and Yugoslavia as an unresolved one, since with us the Church is free and religion also, within the framework, be it understood, of the laws in force in our country.

Naturally we could never permit any intervention on the part of the Vatican in our internal policy. This is the only point on which we differ from the Vatican. We wish our relations to improve and have stressed this many times. Today the stabilization of relations is again a question of moment, since a situation like the present can lead to no good.

(ii) Official communiqué regarding the conditional release from prison of the Archbishop of Zagreb, Monsignor Alois Stepinac, 5 December 1951²

The former archbishop of Zagreb, Alois Stepinac, was today given conditional freedom following a decision of the Ministry of the Interior of Croatia. Stepinac was condemned on 11 October 1946 by the Supreme

¹ Translated from Relazioni Internazionali, 10 November 1951, p. 870.

² Ibid., 15 December 1951, p. 966.

Court of the People's Republic of Croatia to sixteen years' detention for collaborating during the war with the quisling government of the so-called independent Croat state and with the Italian and German occupation authorities. The former archbishop of Zagreb, now 53 years of age, will live during his period of conditional freedom in his native region of Krasic, district of Jastrebar, in the People's Republic of Croatia. He has decided to settle in the parochial residence there. Stepinac was set free under the Yugoslav law providing for the release of a prisoner for good conduct after he has served half his sentence; the decision is the concern of the Ministry of the Interior of the Republic in which the prisoner is serving his sentence.

(iii) Statement by Archbishop Stepinac after his release, 6 December 1951¹

I am still the lawful archbishop and I am not so old that I have to give up my work. If the Pope wishes it, I am ready to leave my position, but I will never do so under pressure from a government. I am personally very satisfied at having fulfilled my duty. I am in a position, here as in prison, to carry out my priestly functions. An honourable agreement needs to be reached based on the essential conditions laid down by the Catholic church, namely, religious marriage, religious instruction in schools and the existence of a Catholic press. Religious marriage must be defended to the last, for it is a sacrament instituted by Our Lord which men have no right to modify. All men unjustly attacked have the right of self-defence. But at the present moment it is better to seek to appease men's minds rather than to inflame them. I can fulfil my duties here and intend to remain here for the rest of my days.

3. Social Planning

(i) Law on the management of State economic enterprises and higher economic associations by the Workers' Councils, 26 June 1950²

I. BASIC PRINCIPLES

Article 1.—Factories, mines, transport, commercial, agricultural, forestry, communal and other state economic enterprises, as the common property of the whole Nation, are in the name of the social community administered by their working staffs within the framework of the state economic plan, and on the basis of the rights and duties established by law or other legal prescription.

The working staffs realise this management through workers' councils

¹ Translated from Relazioni Internazionali, 15 December 1951, p. 966.

² New Yugoslav Law, 1950, nos. 2-3, pp. 75-82.

and management boards of enterprises and workers' councils and management boards of higher economic associations in which a number of economic enterprises are associated together.

Article 2.—The workers' council of an enterprise or the workers' council of a higher association is elected or dissolved by the working staff of the enterprise or association.

In smaller enterprises the whole working staff constitutes the workers' council.

Article 3.—A workers' council is elected for one year.

A workers' council or any of its members may be recalled before the expiry of the period of election.

Article 4.—A workers' council, as representative of the working staff, elects or dismisses the management board, and executes any other rights defined by law.

Article 5.—A management committee administers an economic enterprise or higher economic association and is responsible for its work to the workers' council and the competent state organs, while the management board of an enterprise is also responsible to the management board of a higher economic association.

Under this responsibility, a management board works on the basis of laws or any other legal prescriptions, on the basis of the decisions of its own workers' council, and also of the instructions or directives of the competent state organs, or otherwise of the management board of a higher economic association.

Article 6.—A management board is elected for a year.

A new management board may include no more than one third of the members of the management board of the previous year.

Nobody may be a member of a management board for more than two successive years.

Members of a management board while elected to that position do not leave their ordinary duties or activities in the enterprise.

Members of a management committee receive no payment for their work.

Article 7.—No member of a management committee may during the period of his election be refused a labour or service agreement, nor may he be transferred elsewhere without his consent.

Article 8.—The production and business of an enterprise is under the charge of the manager of that enterprise, or the working and business of a higher economic association in the charge of a manager of that association.

Until otherwise determined by law, and to ensure proper expert direction of any enterprise or higher economic association, the manager of the enterprise is to be appointed by the management board of a higher

economic association, or otherwise by a competent state organ, if the enterprise is not associated, while the manager of a higher economic association is to be appointed by the competent state organs.

Article 9.—The workers' council or management committee of an en-

terprise may propose the removal of the management board.

The manager of an enterprise is responsible for his work to the management board of the enterprise, to the management board and management of a higher economic association, as also to the competent state organs, while the manager of a higher economic association is responsible to the management board and to the competent state organs.

II. THE WORKERS' COUNCIL OF AN ENTERPRISE

Article 10.—The workers' council of an enterprise consists of from 15 to 120 members.

The number of members of a workers' council of any enterprise is laid down by the rules of the enterprise, and depends on the size and structure of the enterprise.

Elections to the workers' council are held at the commencement of every year. For certain branches of industry the federal government may determine any other time for the election of workers' councils.

In enterprises of less than 30 workers and employees the whole staff together constitute the workers' council.

Article 11.—The workers' council of an enterprise is chosen by general, equal and direct suffrage, and by secret vote.

Workers who have under the existing provisions concluded a working agreement with an enterprise, together with the technical and engineering staff and other employees of the enterprise, have the right of voting in the elections for the workers' council.

Article 12.—Elections for the workers' council of an enterprise are as a rule conducted through united candidate lists for the whole enterprise.

Either the trade union branch or a defined number of workers and employees have the right to put up a list of candidates.

Article 13.—In enterprises of up to 500 workers and employees a list of candidates may be put up by one tenth of the workers and employees who have the right of voting, on condition that the number of signatories is not less than five. In enterprises which have more than 500 workers and employees, a list of candidates may be put up by a number of workers and employees equal to the number of members of the workers' council to be elected.

Among the signatories there must be equal representation of the various sections or units of the enterprise.

Article 14.—A list of candidates is to be submitted in writing and must

contain the names of as many candidates as members of the workers' council are to be elected.

A list of candidates is signed by those who put it up.

Article 15.—A list of candidates must be published in the enterprise at least five days before the date of election.

Article 16.—Elections for a workers' council are conducted by an electoral commission, which is appointed by the trade union organisation.

Votes are cast at polling booths.

The electoral commission determines the polling booths and elects electoral committees.

Article 17.—Voting is by ballot papers.

Every ballot paper contains in order the names of the candidates put forward on the relative list.

Article 18.—Every voter receives the same number of ballot papers as there are lists of candidates put up.

Every voter has the right, in place of any candidate proposed on any list of candidates, to cross out his name, and to enter the name of another candidate from among the workers and employees of the enterprise who have the right of suffrage.

The ballot papers bearing the list of candidates for whom the voter does not intend to vote, are placed by him in a prescribed place in the special booth in which he fills up his ballot paper.

The ballot paper of the list of candidates for which the elector casts his vote is folded by him, and in the presence of the electoral committee, placed in the ballot box.

Article 19.—Those candidates who obtain the greatest number of votes on the list of candidates for which the majority of the workers and employees voted, are considered elected members of a workers' council.

Article 20.—A workers' council chooses a chairman from among its members.

The chairman of a workers' council cannot be a member of a management board.

Article 21.—Sessions of the workers' council are summoned and presided over by the chairman of the council. Sessions of a workers' council are held at least once every six weeks.

The chairman is bound to call a session of the workers' council on the request of the management board of the enterprise, or of the trade union branch, or otherwise of one third of the members of the workers' council, or of the manager.

Article 22.—The decisions of a workers' council are fully binding if over half of the members were present at the session.

The workers' council bases its decisions by majority of votes of the members present.

Article 23.—The workers' council of an enterprise:

Draws up basic plans and the concluding balance sheet of the enterprise;

Makes decisions concerning the management of the enterprise and relative to the realisation of the production plan;

Chooses, releases or dismisses the management committee of the enterprise or individual members of this;

Makes the rules of the enterprise, on confirmation by the management board of a higher economic association or of the competent state organ;

Examines the working reports of the management board and makes decisions for the approval or otherwise of its work;

Considers individual measures of the management board or of the responsible state organ and passes its conclusions concerning these;

Distributes that portion of the accumulation of the industry which remains at the disposal of the industry or otherwise of the working staff of the industry.

Article 24.—The manager and other members of the management board are bound to be present at sittings of the workers' council.

Any member of the workers' council has the right to put questions to the management board or to the manager concerning their work.

The management board and manager are bound to give an answer at the session of the workers' council.

III. THE MANAGEMENT BOARD OF AN ENTERPRISE

Article 25.—The management board of an enterprise consists of from 3 to 17 members inclusive of the manager.

The number of members of the management board of any enterprise is determined by the rules of the enterprise, and depends on the size and structure of the enterprise.

At least three quarters of the members of the management board must be workers directly engaged in production, or otherwise in the basic productive activity of the enterprise, while the remaining members of the management board are chosen from among the technical and engineering personnel and other employees.

Article 26.—Election of the management board is made by the workers' council immediately this has been constituted.

The election of the members of a management committee is effected by lists of candidates and secret voting.

Together with the members of the management board are elected the requisite number of deputies.

One tenth of the members of a workers' council may put up a list of candidates.

The mandate of the members of the management board of an enterprise lasts until the election of a new management board.

Article 27.—The management board of an enterprise:

Draws up proposals for the basic plans of the enterprise;

Issues monthly operational plans;

Looks after the proper working of the enterprise;

Makes its proposals for the internal organisation of the enterprise and also its proposals for the systemisation of staff positions;

Draws up its proposals for rules concerning working hours in the enterprise and passes any measures required for the strengthening of labour discipline;

Determines the election of employees to leading positions in the enterprise;

Passes decisions concerning any decision to dismiss or on the internal distribution of functions;

Takes any measures necessary for the advancement of the production of the enterprise; and particularly for the rationalisation of production, for increase of productivity of labour, for bringing down the costs of production, for improving the quality of production and for economy and minimization of waste and scrap;

Decides questions of standards of productivity in the enterprise;

Decides on the proclamation of shock workers as also on proposals concerning rationalisators and personnel introducing technical improvements;

Takes any steps necessary for the improvement of the skill of the workers or employees of the enterprise or for their proper direction to one form of work or another;

Cares for the proper application of the prescriptions concerning employment relations in the enterprise, concerning the pay and advancement of workers or employees, concerning the protection of labour and social insurance, as also concerning the improvement of living conditions of workers or employees of the enterprise;

Examines and passes plans for the utilisation of the annual holidays of workers and employees in the enterprise;

Undertakes measures for the production and the proper use of national property administered by the enterprise and measures for the discovery, prevention and elimination of any damage, waste or other form of unconscientious attitude towards public property.

The management board of an enterprise is responsible for carrying out of plans and for the proper conduct of business of the enterprise.

Article 28.—A management board elects a chairman from among its members.

The manager of an enterprise cannot be the chairman of the management board. The chairman of a management board conducts sittings of the management committee and together with the manager prepares the agenda of sittings.

Article 29.—The management board of an enterprise works as a whole and makes its decisions only at its meetings.

Sittings of the management board are called by the chairman.

The chairman shall call a sitting of a management board on the request of the manager, or of any member of the management board.

Article 30.—The decisions of the management board of an enterprise are binding if over half of its members were present at the sitting.

The conclusions of a management board are made by a majority of votes of the members present.

Article 31.—The members of a management board, while engaged on business of the board, have a right to indemnification to the extent of the earnings they may lose.

Article 32.—The management board of an enterprise has both the right and the duty to submit to the responsible state organ its objections or observations concerning any decision, order, or directive of the management board of a higher association which it considers is not in conformity with the law or is detrimental to the interests of the enterprise, but it cannot hold up the execution of this until the responsible state organ passes its own decision.

Article 33.—Any member of the management board of an enterprise who does not agree with any conclusion of the management board may communicate his observations to the management board of a higher economic association, or otherwise to the workers' council of the enterprise.

A member of a management board may bring forward his observations concerning the work of the manager solely at a sitting of the management board or the workers' council.

Article 34.—Members of management boards are bound to preserve state secrets and those of their enterprise.

Members of management boards are, as official persons, responsible for their work on the board.

Article 35.—For the purpose of examining any question or the preparation of any proposal in matters in this field of work, the management board of an enterprise may set up special commissions drawn from the ranks of the workers and employees of the enterprise.

IV. THE MANAGER OF AN ENTERPRISE

Article 36.—The manager organises the process of work in the enterprise and directly controls the realisation of the plan and the business of the enterprise, fulfilling any law or the prescriptions of the management board

of the enterprise, or order or directive of the responsible state organs, or of the management board or manager of a higher industrial association.

The manager is directly responsible for the execution of the law and of all other legal prescriptions, and all orders of the competent state organ which assures their administration in the enterprise.

Article 37.—The manager of an enterprise, within the framework of the economic plan and in conformity with the conclusions of the management board of the enterprise, concludes agreements and handles turnover capital. Immediately upon conclusion by the manager, an agreement is valid.

A manager represents an enterprise in dealings with the organs of state and in any legal relationship with any other party. He may authorise any other person to represent the enterprise in any defined legal matter.

Article 38.—The manager of an enterprise accepts new workers and appoints employees in the enterprise, with the exception of those concerning whom special prescriptions otherwise determine, and passes any decision concerning their employment in the enterprise.

The manager of an enterprise passes decisions concerning dismissal of workers or employees, except in so far as other general prescriptions transfer that right to other persons in the enterprise.

Workers or employees have the right of objection to the management board of an enterprise against any decision concerning dismissal or direction to other work, and this passes the final decision.

Article 39.—The manager of an enterprise allocates the workers and employees of the enterprise to their particular work and determines their duties.

Workers and employees of an enterprise are responsible for their work in the enterprise to the manager.

The manager of an enterprise ensures discipline in the work and other activity of the enterprise.

Article 40.—If a manager considers any decision of the management board contrary to the law, to legal prescriptions, to plans or to orders of the competent state organs, he shall without delay inform the management board of a higher economic association, or otherwise the competent state organs of this, and temporarily postpone execution of the decision until the management board of the higher economic association, or otherwise the competent state organs, have made a final decision on the matter. The management board of a higher economic association, or otherwise the competent state organ, shall pass its decision without delay, and this within at most ten days.

The manager of an enterprise may undertake any measures necessary for the execution of the plan or for the proper work of the enterprise, under the jurisdiction of the management board, wherever the management board does not do this in good time. The manager shall inform the management board of the enterprise of any such measures he undertakes at the first subsequent sitting of this.

V. THE WORKERS' COUNCIL, THE MANAGEMENT BOARD AND THE MANAGER

Article 41.—The workers' council of a higher economic association is chosen by the working staffs of all the enterprises associated, in proportion to their constituent numbers.

The workers' council of a higher economic association consists of from 30 to 200 members.

Article 42.—The management board of a higher economic association consists of from 5 to 15 members, inclusive of the manager.

At least three quarters of the members of a management board must be workers engaged directly in the work of production or else in the basic productive activity of the enterprise.

Article 43.—The management of a higher economic association is appointed by the Presidium of the National Assembly of the Federal People's Republic of Yugoslavia, or otherwise by the Presidium of the National Assembly of a People's Republic, or by a People's Committee.

Article 44.—Prescriptions for the method of election, for the jurisdiction and for the working of workers' councils and management boards of higher economic association, and also concerning the position and powers of the manager of such associations, will be prescribed by a special law.

VI. TEMPORARY AND CONCLUDING PROVISIONS

Article 45.—The Federal Government, in co-operation with the Government of the People's Republics and the Central Committee of the Yugoslav Trade Union Federation shall take steps for elections for workers' councils and management boards of enterprises immediately upon the coming into force of this law.

Article 46.—Special federal and republic laws and provisions of the Federal Government will, on the basis of the principles of this law make further prescriptions concerning workers' councils and management boards of enterprises and higher economic associations.

Article 47.—Until the passing of the laws envisaged in the preceding article, the Federal Government may by Decree pass prescriptions concerning the workers' councils and management boards of higher economic associations, while the federal government and the governments of the people's republic shall pass prescriptions for the execution of this law.

Article 48.—This law shall, with the necessary changes, be applied also to the production enterprises of public associations.

The Federal Government may exceptionally prescribe that in certain military production enterprises the working staffs for the management of the enterprise shall be formed otherwise than under the prescriptions of this law, and may at the same time determine their jurisdiction.

In enterprises which are still without rules, the number of members of the management board shall be determined by the workers' council.

Article 49.—The prescriptions of the basic law concerning state economic enterprises and any other provisions which may be contradictory to this law, cease to be valid.

Article 50.—This law comes into force eight days after publication in the 'Official Gazette' of the Federal People's Republic of Yugoslavia.

(ii) Speech by Mr. Boris Kidric, President of the Yugoslav Economic Council, presenting to the Yugoslav National Assembly a Bill for the reorganization of the Government, 7 April 1951¹

The proposed reorganization of the federal government constitutes a new step forward in our social development, begun with the formation of the workers' councils and management committees. We rightly define it as a process of transformation from state ownership, a primitive and inferior form of socialist ownership, to common ownership by the people under the guidance of the direct producers. This process constitutes, in the history of mankind, the greatest possible achievement of true socialist development. And our country has the honour of bringing it about. It consists of the systematic and fairly rapid elimination of the functions of the state in the field of social economics; of the radical annihilation of bureaucracy, a social phenomenon which is a latent danger for the development of socialist democracy and of socialism itself.

The system of workers' councils and of management committees, which already presents, although only at the beginning of its development, an effective association of direct producers and which consequently gives a true socialist content and a socialist form to our social relations, has made solid progress. The workers' councils and management committees function today not only in the principal enterprises of our country but also in the majority of higher economic associations. Naturally all kinds of initial deficiencies were met with in our workers' councils and management committees but, in spite of this, they carry out their own decisions with great success.

The development of the workers' councils and management committees has up to now allowed the immediate transfer to direct producers, to their organs and associations, of a whole series of state functions in the economic field—both in the production section, and in the field of exchange and even that of planning—so as noticeably to reduce the machinery of the state. Consequently, as a result of the proposed reorganization of the

¹ Translated from Relazioni Internazionali, 21 April 1951, p. 314.

federal government and of the reorganization to be effected in the governments of the republics, various Ministries of an economic character will be eliminated and transformed into general boards, each with workers' councils.

Parallel with the general boards, which constitute in fact the economic union of concerns with their own workers' councils and management committees, we will set up, where it is not a question of production but of existing organizational functions, the so-called central boards in the orbit of the government councils. These central boards are new in so far as through them are created councils of those directly interested, councils which will have a deliberate or consultative character. It is understandable that the proposed reorganization of the government should also extend to the economic field. It will not be limited to this field, however, but will comprehend the reorganization of culture, health and social welfare.

The second essential element which I should like to mention and which relates to the proposal regarding the reorganization and restriction of the federal government is the fact that all the key industries of our country—metallurgy, oil and engineering—which have hitherto been under the jurisdiction of the federal government, will pass to that of the People's Republics. This is a new proof of the solidarity of our People's Republic of Yugoslavia, a real proof of the liberty, equality, fraternity and unity of our people and a proof of the true solution of the national problems of our country. Today our People's Republics effectively direct all economic affairs within their own territory. There remain within the competence of the federal government only those branches which of their own economic and technical nature are centralized, that is rail, maritime and river communications, land traffic and air traffic.

(iii) Extracts from a report on the Yugoslav Judiciary presented by the Minister of the Interior, General Alexander Rankovic, to the Fourth Plenum of the Central Committee of the Yugoslav Communist Party, 3 June 1951¹

The Politbureau of the Central Committee of the Communist Party of Yugoslavia considers the problem of the judiciary—including both its organisation and its functioning—to be so topical today as to require the Plenum of the CC of the CPY to subject it to an overall discussion and to adopt a principled attitude on it. The issue does not involve the seeking out of fresh principles upon which our judiciary should be based, for there is nothing to be changed in its principled basis as it evolved through the Popular Revolution, that basis having proved correct in practice and truly democratic both during the course of the Liberation War and during

¹ New Yugoslav Law, 1951, no. 4, pp. 3-5, 8-9, 15-16, 18-20, 21-22, 24-27.

the development of our judiciary in the postwar period. The problem consists in having our judiciary move further forward, in bringing it into harmony with the movement of our entire social life along the path of continued building up of socialist democracy. In a society which in its profound revolutionary transformation has made powerful and bold strides toward the transference of management of economy into the hands of the direct producers themselves—while also entrusting the citizens themselves with the directing of various spheres of State and social life and thereby reaching the socialist path of withering away of the State with the gradual transfer of individual functions of the State to the direct organs of the people—it is inevitable that citizens should become increasingly cognizant of the value of their personal freedom and their human rights, of the role of individual citizens in directing social life. In order to be able to expect the vast social transformation it has moved to bear fruit, the Party must give powerful impetus to the development of the citizens' political and social consciousness, their socialist patriotism, their allegiance to the social community, their understanding of the historical social developments in which they are taking active part, because such transformation may only ensue as the result of voluntary and conscious participation of the members of society. However, the strengthening of the citizens' consciousness for collective work in the building of the new social organisation cannot be divorced from the strengthening of their consciousness regarding their personal rights and personal freedom, and in the safeguarding of such rights and freedom a special importance attaches to the organisation of the judiciary. . . .

So far the Party has not presented an overall survey and appraisal of the work of law courts and the other organs participating in the administration of justice, and in doing so today it must at the same time point to a series of weaknesses, setbacks, mistakes and instability in that sphere.

The Party has on several occasions indicated that our courts (as well as UDB¹ and public prosecutors) are sometimes inclined to convert ordinary crime into political criminal offences, the same as there are certain cases, too, of drifting in fixing the political background of what at first glance appears to be ordinary crime. For a time there existed a tendency to discover economic and other sabotage in any individual case of resistance toward certain economic measures or in cases of abuse and detrimental or unconscientious procedure. There are courts which construe counter-revolutionary offences out of concrete insubordination toward individual State organs or persons in office. Thus, for instance, a court has been responsible for proclaiming an insult to the president of a local people's committee and his wife as a criminal offence against the people and the State, pronouncing a sentence of three years' imprisonment. On the other

¹ Uprava državne bezbednosti-State Security Administration, i.e. Secret Police.

hand, individual courts often display a formalism mixed with political blindness, as had been the case with the judgment of a regional court rejecting a citizen's request for the return of a horse that had been commandeered by Tchetnik detachments and was in the possession of the defendant, with the motivation that the Partisan and Tchetnik detachments were engaged in mutual combat during the war, and since every army resorts to commandeering in war the Tchetniks, too, were constrained to requisition the necessary stock. Of course, the higher courts proceeded to alter and rectify such cases of unlawfulness and patent miscarriage of justice.

There are instances of the courts, in the absence of firmer criteria in the application of punishment for one and the same criminal offence (with regard to its gravity), proceeding to apply the wrong-too mild, or too severe-types of punishment, as well as of punishing milder offences with heavy sentences and grave ones with mild sentences. In respect of these and similar occurrences in the work of our courts it is characteristic to note their attitude toward criminal offences against general people's property and certain acts against economy. Our Party has ever pointed to the importance of general people's property as the basis of our socialist buildup, to the need for a correct attitude toward it, as well as to the need of punishing different types of larceny, embezzlement, robbery and other criminal offences against people's property. Dealing with this subject at the Third Congress of Women's Anti-Fascist Front, comrade Tito said: 'With us, the concept of people's property somehow still remains a fairly flexible and vague one with many men. Somehow they still adhere to that old concept of State property. They maintain the same attitude toward it as they did before, during capitalist rule, and, what is more, to-day they take that property to belong to no one. Such an attitude toward people's property is fairly widespread today. This is punishable, this is immoral, this is unworthy of the citizens of a socialist country, and we must just as much combat that phenomenon.' And, indeed, whereas the courts in their majority and the public prosecutors' offices displayed a correct attitude on the subject of punishment for criminal offences against general people's property, certain other courts showed a wavering attitude in that respect as witness, among other things, the phenomenon of mild punishing of thieves of general people's property, and even the passing of conditional sentences, on the one hand, and the unrealistic fixing of too heavy punishment, on the other. All that, of course, cannot exercise an educational influence upon the development of our citizens' consciousness as regards the protecting of socialist property.

The organs of the Ministry of the Interior, inclusive of the State Security Administration, similarly have great weaknesses and deficiencies in their work. First of all, on the question of respecting and implementing of legality, although the struggle on that score had been sharpening since the inception of those organs, certain acts on the part of individual UDB organs have nonetheless been carrying great prejudice to its reputation and causing political difficulties. Any infringement of legality and non-observance of law and other prescriptions is called for in all their actions and activities, for UDB by no means stands above authority and above law, being the character of its organisation and its tasks primarily called upon to protect the interests of the popular community, and strictly adhere to law.

One of the principal problems which is out of step with the line of democratisation of the overall life of our country are the cases of precipitate deprival of liberty of individual citizens by some organs. According to data of the Public Prosecutor's Office and the FPRY Ministry of Interior Affairs, for instance, 47% of the total number of arrests operated by UDB during 1949 were unjustified, which is to say that men were set free from examining prison or discharged by the court upon completed examination. According to reports of public prosecutors' offices, the movement of unjustifiably instituted proceedings was as follows by republics: Serbia 40%, Slovenia 39%, Bosnia and Hercegovina 51%, Macedonia 36%, Montenegro 47%. These data suggest that many UDB organs regard the arresting of men as a very simple matter, failing to consider the fact that it might sully the persons in question as citizens of New Yugoslavia, and, on the other hand, compromise socialist legality. . . .

Lastly, cases of unlawfulness on the part of UDB organs are also mirrored in that some of its organs proceed to appropriate competencies which do not belong to their jurisdiction. For instance, records of arrested persons show that out of the total number of arrested persons during 1949 23% of the arrests operated by UDB organs concerned general crime of a minor significance, and that those organs conducted investigations in connection with the majority of such cases which should have been the task of departments of interior affairs, the People's Militia or public prosecutors' offices. Or, on the other hand, not infrequently the individual UDB organs perform such activities which belong to the jurisdiction of organs of people's authority, different economic organs, political and mass organisations.

All these analyses and appraisals of the work of our judicial system would not be complete if we were to leave out the fact that in a certain measure the campaign method of work of the administrative organs has had effect on the quality of the work of the law courts. During the bulk-buying period the people's committees and the local political forums have often introduced their mistaken campaign method of work also into the work of

the law courts, considering the law courts to be organs which without any questioning must carry out the assigned tasks just in the manner and within the time demanded or desired. In doing this the authority of the law courts and the reputation which the law courts must enjoy with the people have been neglected. In this 'operational élan' of theirs, the people's committees, the offices of the Public Prosecutors and the local party agencies have tried, and sometimes succeeded, to turn the law courts into their executive organs. This can best be seen from a few examples which I shall give. In 1949 a Public Prosecutor gave an order by telephone to the Department of Justice to immediately send the following telegram to all the law courts of a region: 'Within two days unconditionally carry out confiscation of property of all the grain producers who have been sentenced to confiscation of property, failing which you will be held criminally responsible.' The office of the same Public Prosecutor at the same time sent a telegram to all its organs stating that 'measures would be taken' against all those officials who fail to carry out the confiscation. There are examples where 'directives' are given on how a sentence will be passed in a concrete case, and also that even concrete instructions are given in advance with respect to the amount of punishment to be meted out to a person. Detecting these occurrences, our party has, by letters to the Central Committees and also through the press, pointed out that certain organs of administration and local political forums, particularly in the period of the campaign activities, are quite directly and incorrectly applying administrative and even compulsory measures, instead of patient political preparations and political work with the masses....

In order to have a proper aspect of the conditions reigning in our jurisdiction the composition of its staff must also be taken into consideration. We have in all our courts at the beginning of 1951: 1,322 permanent judges, 47,871 lay-judges, and 285 court secretaries. A very large majority of this total number of personnel are men (96.4%) while the number of women judges is still very insignificant (3.6%). There are no women judges in Macedonia and Montenegro.

In regard to professional legal training the formation of the juridical staff is as follows: the largest number of judges having legal training is in Montenegro relatively, where there are 37 judges of whom 35 graduated Law. The status is slightly lower in Croatia, where of 324 judges there are only 20 who have not graduated Law. In Vojvodina only 14 out of 124 judges are not lawyers, while in Slovenia of 144 judges there are only 20 without legal training. We have a larger number of judges without legal training in Serbia, where of 463 judges, 92 have not graduated Law, while in Macedonia of 58 judges, 21 are without legal training. In Bosnia-Hercegovina 110 out of 184 judges are without legal training. If

we should consider district courts apart, owing to the fact that there is always a larger number of judges who have graduated Law than judges without legal training in Supreme and Regional Courts, then the number of judges without legal training would be relatively much higher. So that we have 5.81% district court judges without legal training in Croatia, 8% in Montenegro, 13.83% in Vojvodina, 15.02% in Slovenia, 24.17% in Serbia, 42% in Macedonia, and 74.08% in Bosnia-Hercegovina-which means that from a total number of 1,001 court judges 754 have and 247 have not legal training. School qualifications of judges without legal training in the majority of cases are under the lower high school, although one cannot measure in many cases their capacities, political culture and even legal knowledge, only according to school qualifications. Bosnia-Hercegovina is worse off in this sense, where there are 65 judges only with elementary school [training]. There are 39 judges in Serbia (Kosovo-Metohija) with only elementary training. There are three judges at the Regional Court in Bosnia-Hercegovina with only elementary training and two in Serbia.

- I. With the purpose of a further strengthening of the role and significance of jurisdiction and legality, certain principles must be ascertained, developed and supplemented further with help and struggle and consistent work of the Party, competent state institutions and the court itself with the purpose of eliminating the weaknesses, failures, mistakes and illegality within the jurisdiction itself as well as in relation to it. Beside this, account should be kept of the already attained achievements at the present degree of development of our socialist democracy, as well as of the specific position and role of our country in struggle for its independence, for the further building up of socialism, and against the danger from outside hegemonists, remnants of the overthrown classes and other various hostile activities.
- (a) Starting from the point that the basic organization of the juridical system is correct, one should aim towards bringing the Regional Courts nearer to the people by decreasing their territorial authority, bringing it down on the whole to the previous regional area. The principles of electivity, the possibility of changing judges and the submitting of accounts to the community by the judges, are direct democratic achievements, which should continue to be strengthened. With regard to this it would be justified that all district and regional judges should be elected by district or town, i.e. regional assemblies of people's committees. In order to eliminate certain weaknesses in the existing system of electing and dismissing of the judges, it is necessary to specify the conditions under which the election of a judge can be made and particularly the dismissal of a judge. In the same way it would be justified to demand that a permanent judge should have

the necessary schooling, i.e. that he should be a graduate of a law school and this rule could only be departed from in the case of a shortage of qualified cadres.

(b) The authority and importance of an institution, particularly such an institution as the court of law, cannot be achieved and strengthened by organizational measures alone. The law courts can be strengthened, particularly the Supreme Courts, by professional and politically developed cadres. The legal institutions, the higher courts and the judges themselves must pay particular attention to the all-round elevation of the cadres both in professional and ideological-political respects at the faculties and in the law courts.

In connection with this it is necessary to intensify the theoretical work as a whole, as well as the work on interpretation and explanation of the essence of our justice and laws. At the same time, it is the task of the permanent judges to lend all the possible aid to the jurors so that they should be better trained and more active in the performance of their function as jurors.

(c) With the aim of developing further the democratic principles in the proceedings and correcting certain deficiencies the necessity of giving the investigation into the hands of the court arises. Consequently, the court should as a principle become the basic organ of investigation. In the future the offices of the Public Prosecutors should not carry on investigations. Naturally these new measures should not make it more difficult for the administrative organs to carry on the investigation, because in such a way an obstacle could be created to the carrying-out of investigations by the administrative organs, a fact which would have negative consequences for the struggle against crime. With respect to the decision of putting people in gaol pending investigation, as well as the duration of imprisonment, the application of constitutional and legal principles should be applied in practice too.

The question of the competence of courts should be solved in such a way as to extend and strengthen the role of the Regional and Supreme Courts. Because of this, one must rely on the principle that the Regional Courts should be in fact first-degree courts, decisive agencies in all more important questions in which the defense of our country from hostile activities and other forms of criminal activities aimed against our country, and the building up of socialism and citizens' rights come into danger. Thus the Supreme Courts of our republics would also be more closely connected with the essential problematics of our social and political building-up. This would at the same time give greater authority to legal verdict, it would further consolidate and extend legal guarantee for the rights of the citizens. Starting from the present authority of the Supreme Court of the FPRY, one should find means for it to become the solving factor in the more important

question and ensure the uniformity in conception and application of laws. In fact, the supervision over the work of courts should be transferred to the Supreme Courts, and render them more elastic with more initiative and more creativeness in the administration of justice.

- (d) There is no doubt that all these measures will contribute greatly to the strengthening of the role of the judiciary, the raising of personal responsibility of judges and judges-in-council in their entire work. Party organisations must ensure the application of the principle: that courts are not agencies of the people's committees or any other institution. The working people have given to the court the right through its representative agencies, to apply the law in specific cases, and to determine what is to the interest of the community. When it is trying, the court is a part, it is the representative, of the united people's sovereignty. Only under such conditions can the juridical decision be legal and just, only as such can it be understood and supported by the masses. The court can even commit a mistake, but the law provides a number of legal means which make possible a final, legal and just decision. On the other hand, the court will be less in a position of committing mistakes and will become more independent if the judges are less employees and bureaucrats. 'The judgesemployees—says Lenin—are very anxious that everthing should be smooth on paper: the most important thing is that everything is in order on paper, while all the rest does not concern the employee who is only concerned whether he gets his salary and whether he gets his promotions from his superiors. Whereas, elected judges take care not only that everything should be right on paper but also how things look in life. Sometimes the rule remains quietly on paper and something totally different happens in life.'
- (e) In the number of measures which have been undertaken recently along the line of general improvement of the work of judges and courts the question of material conditions was also considered. The juridical salaries should be increased, because they have remained far behind the salaries of nearly all categories of our workers. Beside this, efforts should be made, that courts should be returned to their own buildings, which were taken away from them for the use of other institutions and to ensure them the necessary means for making reparation of the existing buildings, as well as to consider seriously the possibility of erecting new buildings. All necessary measures would be undertaken to eliminate all mistaken conceptions about the hierarchy of state institutions in which courts have a lower status; this should be done with the purpose of doing away with the underestimation of the importance of jurisdiction. But one must not forget at the same time, that respect for judges in society and the significance of courts cannot be protected by administrative measures, nor can it be decreed. It depends, in the first place, on the judges themselves, on

the quality and legality of their work, on the firmness and justice of their moral stand, on the amount of their conscientiousness, on measures in which they engage themselves to protect the freedom of persons and the rights of citizens and on their active participation in the protection of freedom and the progress of a socialist community.

- 2. In spite of having to undertake certain changes in connection with the authorization and way of work of public prosecutions, public prosecution will fulfil in the future an important role in the struggle for suppressing criminality and for the application of proper law in civil and administrative disputes. Public prosecution, however, should get rid in the future of the so-called operative methods of work and become a direct executive organ for the application of various economic measures. In connection with this, the need of the prosecution to mediate between citizens and members of the administration in question of administrative acts by which the rights of citizens are insulted, would fall off. It should be possible for citizens to realize their rights by themselves before the courts. The prosecution would acquire by such means a more determined position as an agency for the protection of legality, with more precise authorizations, and would prevent certain occurrences of bureaucratism in its work, which result from the idea of its monopoly of watching over legality when it is a question of citizens' rights. The activities of the prosecution would be thus more in harmony with the development of our people's democracy.
- 3. In connection with the strengthening of the role of jurisdiction and legality, the lawyer's vocation acquires an important place in our legal system. It becomes increasingly an institution to which is entrusted the representation of citizens, enterprises, institutions and the giving of legal help to same. Every idea of lawyers as helping organs of the state leads to bureaucracy and inactivity of the lawyers and to the weakening of the function of defence and protection of the rights of the citizens and institutions.

The number of our lawyers, after the purging of their profession from different anti-people and corrupted elements, is still small, is neglected and carries little authority. One of the weaknesses of the lawyers' profession consists of little diligence in representing parties even when justice is on their side, and secondly political solidarity of certain lawyers with their clients. The Party and state organs must help in order that the lawyers' profession might be freed of these weaknesses as soon as possible and to take its rightful place in our society and state structure. In this sense it would be necessary to encourage the replenishment of the lawyers' profession with younger cadres, who have been educated in the spirit of our new law and legality, to develop the initiative and political consciousness of the lawyers, to strengthen their organisation and their responsibility. All these and other measures should be undertaken in order to strengthen the lawyers'

profession and its role. But the place, the reputation of this profession will depend first of all on the lawyers and on their conscientious work, on their moral stand and their faithfulness to the new social achievements. The Party and the state authority have already undertaken a number of measures in order to help the right building-up of our new lawyers' profession and it will depend on the lawyers as to how fast and in what measure the lawyers' profession will become a real social institution, which in fact it should be according to the importance of its functions in the strengthening of legality, the protection of citizens and the strengthening of our total legal order.

(iv) Plan for co-operative farming issued by the Central Committee of the Yugoslav Communist Party, 25 November 19511

The new economic measures adopted in Yugoslavia—the abandoning of strict rationing, the abolition of the compulsory delivery of all agricultural produce, the abandoning of tickets, of the points system and of food rationing in general—have been erroneously interpreted by reactionary elements in the country as a retreat. These elements considered, in particular, the peasant working co-operatives, maintaining that the moment for their dissolution had been reached. They thought that, with the abolition of compulsory deliveries a great number of co-operators would leave the co-operatives under the belief that as individual cultivators they will be able to earn more under the free market system. At the beginning of the stabilization process speculators among the cultivators were, indeed, able to earn fairly well by taking advantage of the present disproportion between the prices of industrial goods, which in general are stable, and the excessively high prices of agricultural products. The Central Committee of the Yugoslav Communist Party realizes that, as a result of these conditions and of propaganda this summer against the co-operatives, some hesitations have arisen which, however, the party has succeeded in overcoming by its political action. Now new tendencies to enlarge the peasant working co-operatives can be observed and the peasants are flocking to them in great numbers.

The new development of the working co-operatives has been made possible by the results obtained by the stabilizing process in the Yugoslav economy, which have tended towards a lowering of the prices of agricultural products, have diminished the possibility of speculation, have brought about a diminution in monetary circulation and consequently raised the value of the dinar. There is thus an increased possibility of obtaining wealth for investment and tractors for the co-operatives.

¹ Translated from Relazioni Internazionali, 8 December 1951, p. 946.

The Central Committee of the Yugoslav Communist Party believes that the consolidation and enlarging of collective property in all types of cooperatives form today the basis of socialist land reform in Yugoslavia. Given an adequate fiscal and credit policy, and, in particular, given a better organization of the working co-operatives, it will shortly be understood by the co-operative peasant that his personal gains are considerably superior to those of the individual cultivator. Moreover a progressive tax will be imposed on peasants possessing more than ten hectares of land.

The Central Committee of the Yugoslav Communist Party notes that the organization of the peasant co-operatives, which has hitherto been modelled on that of the Soviet Union, has been the principal obstacle to the further progress of the co-operatives. Henceforth the Yugoslav co-operatives will gradually change from the system of payments in kind by the working day to that of the establishment of a fund in dinars for the payment of the co-operatives. Co-operatives, like other Yugoslav economic undertakings, will be run on principles of accountancy, assuring their own members compensation in dinars for the amount of work done, a system which has hitherto not been valued sufficiently. At the same time is announced the extension to members of peasant working co-operatives of social insurance on the same lines as that applicable to other Yugoslav workers.

This reorganization will entail the liquidation in Yugoslav co-operatives of the final traces of the Kolkhoz system. These obliged the co-operatives to apply the system of payment in kind and seriously impeded increased production. Moreover the remaining traces of the Kolkhoz system impeded the development of socialism in the field of production and maintained the working co-operatives on the level of small producers.

It is also intended to reorganize the co-operatives which have hitherto shown a passive tendency. This passivity arises from the fact that in the less fertile regions the co-operatives have been formed on the same basis as those in the more fertile regions and also from the fact that co-operatives have been formed in places where for a long time there have not been the right conditions for organizing production on the basis of the collective working of the land. The reorganization of the passive co-operatives will be effected in such a way as to encourage large-scale production wherever there is opportunity for active administration, e.g. cattle-breeding, fruit and vine growing, wood and forestry industries, development of local products, etc. The organization of new agricultural co-operatives will in future be allowed only on the basis of a detailed analysis of economic conditions and of the possibilities for developing a sufficient co-operative production.

(v) Law on the Planned Management of National Economy, adopted by the Yugoslav National Assembly on 29 December 19511

I. BASIC PROVISIONS

Article 1.—Management of national economy shall be exercised pursuant to the Social Plan of the Federal People's Republic of Yugoslavia [the Federal Social Plan], the Social Plans of the People's Republics, Autonomous Units, Districts and Townships, and to the independent plans of economic organisations.

Article 2.—By way of establishing the basic proportions of production and distribution, Social Plans shall serve to determine the direction of development of material productive forces and effect the basic distribution of national revenue to working men's consumer funds, to capital construction and to other general requirements of the social community.

The plans of economic organisations provide for their economic operation with due observance of the basic proportions of Social Plans.

Article 3.—Social Plans may be multi-annual and annual ones.

Multi-annual plans shall be realised by way of annual ones.

Annual plans cover the period from January 1 to December 31 (the plan year).

Article 4.—Social Plans shall be enacted by representative bodies in the manner provided for by the present law.

Article 5.—The Social Plans of People's Republics shall be enacted independently by the latter with due observance of the obligations deriving from the basic proportions set by the Federal Social Plan.

The Social Plans of Districts and Townships shall be enacted independently by the latter with due observance of the obligations deriving from the basic proportions set by the Federal Social Plan and the Social Plans of People's Republics.

Article 6.—The Social Plans of autonomous units shall be enacted by the autonomous units independently, adhering to the obligations issuing from the basic proportions established by the Federal and Republican Social Plans.

The provisions relating to the contents and method of enactment of the Social Plans of the Autonomous Province of Vojvodina and the Autonomous Kosovo-Metohija Region, as well as to the relationship obtaining between such plans and the Social Plans of the districts and cities in the territories thereof, shall be passed by law of the People's Republic of Serbia in conformity with the principles of the present law.

Article 7.—Adhering to the basic proportions of Social Plans, economic organisations and other producers shall plan and operate independently pursuant to the rights and duties fixed by law and other prescriptions.

¹ Collected Yugoslav Laws (Belgrade, Union of Jurists' Associations of Yugoslavia, 1952), vol. 3, pp. 36-43.

Article 8.—The methodology pertinent to planning shall be prescribed by the Government of the FPRY and the Governments of the People's Republics.

Economic organisations shall determine by their regulations the method and contents of independent planning in conformity with the general instructions of the Government of the FPRY and the Governments of the People's Republics.

Article 9.—The fulfilment of Social Plans shall be stated in the final

balance-sheet.

The final balance-sheet shall be submitted to the competent representative body for approval.

Article 10.—State economic enterprises and other economic organisations founded under the Basic Law on State Economic Enterprises, as well as the enterprises of co-operative and social organisations shall be considered as economic enterprises.

Principal boards, district co-operative organisations and associations of producers by economic branches and spheres shall be considered as economic associations.

Economic enterprises, economic associations and co-operatives shall be considered as economic organisations.

II. PLAN CONTENTS

Article 11.—The Federal Social Plan shall determine the development of material productive forces in the Federal People's Republic of Yugo-slavia, the national revenue to be realised and the latter's basic distribution.

Article 12.—For realising the planned development of material productive forces, the national revenue and its basic distribution as well as for securing the independence of economic organisations and enabling their continued independent development, the Federal Social Plan shall determine only the basic proportions for the overall economy of the Federal People's Republic of Yugoslavia.

The basic proportions which may be comprised in the Federal Social Plan are as under:

- (a) The obligatory minimum utilisation of productive capacity—by individual economic branches as a whole and by People's Republics;
- (b) The basic capital construction by value, indicating the capacities to be built—by economic branches as a whole and by People's Republics;
- (c) The pay funds, by economic branches as a whole and by People's Republics, required for utilising the capacities the economic organisations engaged in production and transport are committed to;
- (d) The average rate of accumulation and of social funds in their relation to consumer funds of working men in production, transport and commerce—for the whole of the Federal People's Republic of Yugoslavia, by

economic branches and economic spheres as a whole respectively and by People's Republics;

(e) The average rates on surplus products payable into the budget in the form of contribution or taxes—by individual economic spheres as a whole;

(f) The resources whose allocation to social needs shall be effected through the Federal Budget, indicating the grants made to individual People's Republics and the pay funds concerning those working men who are paid from the Budget;

(g) The percentual allocation of the foreseen social contribution to the

Federal Budget and the budgets of People's Republics.

In enacting the Social Plan the National Assembly of the Federal People's Republic of Yugoslavia shall decide as to which of these proportions shall be incorporated in the Social Plan and what their mutual ratio is to be.

The technique of applying basic proportions shall be determined by the Government of the Federal People's Republic of Yugoslavia.

Article 13.—The Social Plans of People's Republics shall determine the basic proportions for the latter's entire economy.

The basic proportions of Republican Social Plans must be of the same type as those of the Federal Social Plan.

The following basic proportions may additionally be set up in Republican Social Plans:

(a) The average rates, established in relation to the social contribution or net revenue, and/or tax, to be utilised toward own investments in commerse, catering, artisan's and other service operations;

(b) The resources whose allocation to social requirements is to be effected through the budgets of People's Republics, inclusive of grants earmarked for People's Republics in the Federal Social Plan, as well as of the grants for individual Districts and Townships and of the budgetary reserve fund.

Besides basic proportions, Republican Social Plans shall incorporate surveys of the development of material productive forces, of the planned national revenue and of the basic distribution of national revenue in People's Republics.

Article 14.—In Republican Social Plans the level of utilisation of the capacities of individual categories of enterprises may depart from the average level established under the Federal Social Plan as the obligatory minimum for the branch as a whole, but the average level fixed thereunder for the whole branch must be secured.

Republican Social Plans may set an average capacity utilisation by economic branches higher than the one stipulated as the obligatory minimum by the Federal Social Plan, provided the basic proportions of the Federal Social Plan remain unaffected and the requisite material balance and pay funds find themselves secured thereby.

Article 15.—The rates laid down in Article 12, paragraph 2, item d, of the present law may be increased in the Republican Social Plan provided an increase in work productivity is foreseen relative to the productivity deriving from the Federal Social Plan, provided no other basic proportions of the Federal Social Plan are upset and provided the standard of living of working men such as it derives from that plan is not depressed thereby.

Article 16.—Under the Republican Social Plan the enterprises pertaining to various branches may bind themselves to use a determinate percentage of the portion of net revenue at their independent disposal toward capital projects designed to raise the efficiency of or enlarge the enterprises, or toward housing and communal projects for the requirements of their working collectives.

Under the Republican Social Plan the fixing of the percentage referred to in the foregoing paragraph may be left to the People's Committees.

Article 17.—The Social Plans submitted to representative bodies must be accompanied by due documentation.

The Governments and the competent organs of People's Committee are bound to submit to the representative body also such documentation as the representative body may ask for even after the submission of the Social Plan.

The documentation accompanying the Social Plan shall comprise separate mention of all individual departures from the Federal Social Plan made pursuant to the authorizations accorded by the present law.

Article 18.—The Social Plans of Districts and Townships shall comprise all the basic proportions pertaining to communal economy:

- (a) The overall value of housing and communal projects in their territory, indicating the percentage of the accumulation and funds at independent disposal each economic organisation in that territory is bound to utilise toward the communal and housing needs of their work collectives, and particularly the value of those capital projects which are financed from grants made to districts and townships respectively, specifying such projects and the purpose thereof;
- (b) The total amount and basic allocation of the social contribution of all economic organisations in their territory incorporated by law in the district or township budgets, as well as the other resources the allocation of which is to be effected by the same budgets, inclusive of grants from the Social Plans of People's Republics and of the budgetary reserve funds;
 - (c) The value of artisan's production and services.

The Social Plans of Districts and Townships shall comprise surveys of that portion of the national revenue which is to be realised in their territory on the basis of all the Social Plans, as well as of the basic allocation of such revenue.

Article 19.—The Social Plans of districts and cities may set basic propor-

tions also for the entire economy in their territory, in so far as such procedure should be entrusted to them by the Republican Social Plan.

Article 20.—The Social Plan of a district shall incorporate also the sum of the Social Plans of the towns within the district complex, as well as a survey of the development of communal build-up and of the local economy of communes within the district territory.

By way of the budget the communes shall independently determine the allocation of their revenues.

III. ENACTMENT OF SOCIAL PLANS

Article 21.—The Federal Social Plan shall be enacted by law by the National Assembly at the proposal of the Federal Government.

Prior to its being submitted to the National Assembly the Government is bound to refer the draft Federal Social Plan to the national assemblies of People's Republics, workers' councils of economic associations, economic chambers and the Federal and Republican organs of Trade-Union and Co-operative organisations for their opinion and remarks thereon.

Those of the opinions and remarks it does not adopt the Government of the Federal People's Republic of Yugoslavia shall submit to the FPRY National Assembly for consideration and decision together with the proposed Social Plan.

Article 22.—Republican Social Plans shall be enacted by law by the national assemblies at the proposal of the relevant governments.

Prior to submitting them to the national assemblies, the Governments of People's Republics are bound to refer the draft Social Plans to District and Township People's Committees, workers' councils of economic associations, economic chambers and the organs of Republican Trade-Union and Co-operative organisations for their opinion and remarks thereon.

Such of the views and remarks they do not adopt shall be submitted by the Governments of People's Republics to the National Assemblies for consideration and decision together with the draft Social Plans.

Article 23.—In the event that departures are foreseen under the proposed Republican Social Plan in the sense of Articles 14 and 15 of the present law, the Government of the People's Republic shall be bound to refer the relevant section of the Republican Social Plan to the Government of the FPRY prior to its being submitted to the People's Assembly.

In its documentation of the Republican Social Plan the Government of the People's Republic shall be bound to lay before the People's Assembly the views of the Government of the FPRY referring to the utilisation of capacity in the sense of the foregoing paragraph.

Article 24.—The Social Plans of districts and cities shall be enacted by decision of People's Committees.

The Social Plans proposed shall be submitted to the workers' collectives

of district or city economic associations, economic chambers, economic enterprises in the territory of the People's Committee, to the local Trade-Union Council, the district or city organs of the Trade-Union organisation and district co-operative organisations for their opinion and comment thereon.

The Social Plans of districts shall also be submitted to the municipal and city People's Committees in the territory of the district for their opinion and comment thereon.

The People's Committee is bound to consider at its session the opinions and comments received.

Article 25.—When drafting the proposed Social Plans, the Government of the FPRY, the Governments of the People's Republics or the People's Committees shall, during the course of their preparation, ask the appropriate economic organisations to forward the drafts of their plans and invite the representatives of economic associations to take part in the considering of such draft plans.

Article 26.—For the benefit of acquainting the public, the Government of the FPRY and the Governments of People's Republics shall be bound to announce the draft Social Plans not later than one month prior to the submission thereof to the People's Assembly.

Article 27.—The Government of the FPRY shall determine the timelimit when all the Social Plans must be prepared.

The proposed Social Plans must be submitted to the representative bodies not later than one month prior to the beginning of the plan year they are pertinent to.

IV. FULFILMENT OF SOCIAL PLANS

Article 28.—At the end of each plan year the government of the Federal People's Republic of Yugoslavia, the Governments of People's Republics and the competent organs of People's Committees shall submit the final balance-sheet concerning the fulfilment of Social Plans for approval by the competent representative bodies.

The final balance-sheet of the Federal Social Plan and of Republican Social Plans respectively shall be forwarded by the governments to the competent representative bodies through auditing commissions, whose duty it shall be to examine them and submit them to representative bodies accompanied by their report.

The statement of accounts shall incorporate identical indications as the Social Plans themselves. A documentation identical to that accompanying Social Plans shall be appended to the final accounts.

The statistics and records pertinent to the fulfilment of independent plans of economic organisations shall also be stated along with the final balance-sheet. Article 29.—The obligations deriving from the basic proportions for economic organisations shall be considered as fulfilled provided the other obligations envisaged by such plans are also fulfilled with the utilisation of minimum capacity.

The plan fulfilment by economic organisations shall be established on the basis of accounts and records by conclusion of the representative organs thereof.

Economic organisations are bound to submit their conclusions to the appropriate economic-administrative organs not later than fifteen days after their passing.

The elements which must be contained in the conclusions relative to plan fulfilment shall be prescribed by the Government of the FPRY.

Article 30.—Within a month of receipt of the conclusion concerning plan fulfilment the competent economic-administrative organ may annul incorrect or inaccurate conclusions and demand their amending by the economic organisations, and may even itself establish the degree of plan fulfilment.

In relation to co-operative and social organisations and the enterprises thereof the right as per the foregoing paragraph shall pertain to the State organ responsible for direct supervision over their work.

Economic organisations may appeal to the higher State organ against decisions passed pursuant to paragraphs 1 and 2 of the present article within eight days of receipt of the decision.

V. Measures Securing the Fulfilment of Social Plan Obligations

Article 31.—Subject to it being found that one or more economic organisations are failing in the fulfilment of obligations deriving from Social Plans or that they would be unable to meet them, the competent organs may, for the purpose of securing the fulfilment of such obligations, prescribe and apply the following measures:

(a) The obligation of pre-contracting and the method of contracting, specifying if need be the quantity, quality and range of produce, as well as the measures involving as their consequence an amending or cessation of the contract:

(b) Fixing of prices;

- (c) Imports and exports ban, or stipulation of import and export conditions;
- (d) Allocation of basic raw materials and determinate produce, as well as the fixing of their designation;
 - (e) Prescribing of amendments in connection with monetary resources;
 - (f) Supervision over the planning and construction of capital projects;
 - (g) Prescribing the production plan relative to deficit-causing produce,

specifying the quantity, quality and range thereof, within the proportions established by Social Plans;

(h) The setting up of operational reserves;

(i) Curtailing the utilisation of resources earmarked for own investment purposes;

(j) The withholding or granting of portions of basic resources;

(k) Supervision over the utilisation of amortization resources.

Should the Federal Social Plan not cover some individual basic proportions as per Article 12 hereunder, the FPRY Government may designate such missing proportions as the measures for making secure the fulfilment of Social Plans, provided the basic proportions actually comprised in the Social Plan proper are not affected thereby.

Article 32.—For remedying the consequences of plan non-fulfilment by determinate economic organisations, compulsory boards may be appointed

thereto.

Article 33.—The Government of the FPRY shall prescribe as to which organs and under what conditions may prescribe or apply the measures established in Articles 31 and 32 of the present law.

Article 34.—The economic organisations effected by measures from Articles 31 and 32 hereunder enforced by way of general prescriptions may appeal to the Government or the Presidium, or address themselves to the

National Assembly.

Decisions concerning the application of measures from Articles 31 and 32 hereunder to individual economic organisations shall be effected in the form of a documented written judgment. Against such decisions economic organisations may lodge complaints with higher State organs within eight days of the receipt thereof.

Unless otherwise provided for by a decision, its execution shall be stayed

by the lodging of complaint.

Complaints shall be subject to judgment within eight days of the re-

ceipt thereof.

In the event of a complaint being approved the execution of which was not stayed, the economic organisation concerned shall be entitled to damages.

Recourse to administrative litigation is ruled out in connection with

judgments of complaints.

Any damages paid pursuant to this Article shall be separately stated in the final accounts of economic organisations.

VI. CONTROL OF FULFILMENT OF SOCIAL PLANS

Article 35.—The right and duty of exercising control over the fulfilment of Social Plans shall pertain to economic-administration and financial organs.

This control consists in the verification of the fulfilment of the planned obligations of economic organisations deriving from the basic proportions of social plans.

The competent economic-administration organs shall exercise this control in a direct manner through the verification of the condition of economic organisations on the basis of the current records or through banks.

Article 36.—The direct verifying of the fulfilment of obligations by economic organisations under the Social Plans may be pursued solely on the basis of a written decision of the competent State organs through the persons authorized by such decision.

Article 37.—The instructions concerning the keeping of records shall be prescribed by the Government of the FPRY.

VII. CLOSING PROVISIONS

Article 38.—The Law on the General State Economic Plan and the State Planning Organs, the Law Authorizing the Government of the FPRY concerning the Enactment of Decrees on National Economy Matters, the Law Authorising the Government of the FPRY Concerning the Introduction of the New Pay System and other Economic Measures for Preparing the New Planning and Financial System, as well as the other prescriptions which are contrary to the Law on the Planned Management of National Economy shall cease to be effective.

For the purpose of realizing the provisions of this law the Government of the FPRY is authorized to enact decrees on the salaries of workers and employees and that it may depart therein from individual provisions which were passed to the coming into force of the present law.

Article 39.—Until the commune is established as the administrative-territorial unit, the prescriptions of this law pertaining to communes shall be applied to localities.

For economic organisations which were founded as economic enterprises, but whose activity primarily serves to meet the requirements of determinate State organs, the organ responsible for the setting up of such enterprises may for the purpose of meeting such requirements restrict the independent planning and operation of enterprises either through the decision referring to their setting up or through subsequent decision, or else pass a decision on the conversion of such economic organisations into institutions.

The economic organisations to which shall apply the provisions of the preceding paragraph shall be determined by the Government of the FPRY or the Governments of People's Republics.

Article 40.—More detailed prescriptions concerning the carrying out of this law shall be enacted by the Government of the FPRY.

Article 41.—This law shall take effect on January 1, 1952.

PART V

THE MIDDLE EAST

A. DEFENCE PACTS

(i) Inter-Arab Joint Defence and Economic Pact, adopted by the Council of the Arab League, 13 April 1950¹

Article 1.—In an effort to maintain and stabilise peace and security, the contracting parties hereby confirm their desire to settle their international disputes by peaceful means, whether such disputes concern their own relations or those with other Powers.

Article 2.—The contracting parties consider any act of armed aggression made against any one or more of them to be directed against them all and, therefore, they undertake to hasten to the aid of the state or states against whom such aggression is made. And, in conformity with Article 4 of the Arab League Charter and Article 51 of the United Nations Charter, the Arab League Council and the U.N. Security Council should at once be notified of the act of aggression and the measures taken to check it.

Article 3.—At the invitation of any of the signatories of this Pact, the contracting parties should hold consultations whenever there are reasonable grounds for the belief that the territorial integrity, the independence or the security of any of the parties is threatened. In the event of the risk of war the contracting parties should immediately proceed to unify their military plans and defensive measures as the situation may demand.

Article 4.—In order that the above obligations may be effectively carried into effect, the contracting parties should co-operate in developing and co-ordinating their armed forces and to participate according to their resources and needs in preparing the individual and collective means of resistance to any armed aggression.

Article 5.—A permanent military commission composed of representatives of the General Staffs of the forces of the contracting parties shall be formed to co-ordinate the plans of joint defence.

Article 6.—Under the control of the Arab League Council shall be formed a Joint Defence Council to deal with all matters concerning the implementation of the provisions of Articles 2, 3, 4, and 5 of this Pact. It shall be assisted in the performance of its task by the Permanent Military Commission. The Joint Defence Council shall consist of the Foreign

Ministers and the Defence Ministers of the contracting parties. Decisions taken by a majority of two thirds shall be binding on all the contracting parties.

Article 7.—In order to unify the aims of this Pact and to bring about security and prosperity in Arab countries and in an effort to raise the standard of life in them, the contracting parties undertake to collaborate for the development of their economic conditions, the exploitation of their mutual resources, the exchange of their respective agricultural and industrial products, and generally in organizing and co-ordinating their economic activities and in concluding the necessary inter-Arab pacts to attain such aims.

Article 8.—Steps shall be taken for the creation of an Economic Council consisting of the Ministers in charge of economic affairs in the countries of the contracting parties to submit recommendations for the realization of all such aims as are set forth in the previous article.

This Council shall, in the performance of its duties, seek the co-operation of the Committee for Financial and Economic Affairs referred to in Article 4 of the Arab League Charter.

Article 9.—The supplement to this Pact shall be considered as an integral and indivisible part of it.

Article 10.—The contracting parties undertake to conclude no international agreement which may be contradictory to the provisions of this Pact nor to act, in their international relations, in a way which may be contrary to the aims of this Pact.

Article 11.—No provision of this Pact shall in any way affect any of the rights or obligations accruing to the contracting parties from the United Nations Charter or the responsibilities borne by the U.N. Security Council for the maintenance of world peace and security.

Article 12.—After the lapse of 10 years from the date of the ratification of this Pact, any one of the contracting parties may withdraw from it provided 12 months' notice is previously given to the General Secretariat of the Arab League. The League Secretariat General shall inform the other contracting parties of such a notice.

Article 13.—This Pact shall be ratified by each contracting party according to the constitutional status of its particular government. The Pact shall come into force 15 days after the receipt by the Secretariat General of the ratification documents from at least four states.

MILITARY SUPPLEMENT

I.—The Permanent Military Commission provided for in Article 5 of the Inter-Arab Joint Defence Alliance and Economic Pact shall undertake the following:—

- (a) The preparation, in co-operation with the Joint Defence Council, of all military plans to face any possible armed aggression.
- (b) To submit proposals for the organisation of the forces of the contracting parties fixing a minimum force for each in accordance with military exigencies and the potentialities of each party.
- (c) To submit recommendations for the reorganisation of the forces of the contracting parties in so far as their equipment, training and discipline are concerned, so that they may keep pace with modern military methods and developments and for the unification and co-ordination of all such forces.
- (d) To submit recommendations for the exploitation of the natural, agricultural and industrial resources of all contracting parties in favour of the inter-Arab military effort and joint defence.
- (e) The exchange of missions between the contracting parties for the preparation of plans, participation in military exercises and manœuvres and the study of their results, for the recommendation of the improvement of methods to ensure close collaboration in the field, and for the general improvement of the forces of all contracting parties.
- (f) The preparation of the necessary data on the resources and military potentialities of each of the contracting parties and the part to be played by its forces in the joint military effort.
- (g) Study of the facilities and the contributions which each of the contracting parties will, in the event of war, be required to provide to the forces of other contracting parties operating in its territory in conformity of the provisions of this Pact.
- 2.—The Permanent Military Commission may form temporary or permanent sub-committees from among its own members to deal with any of the matters falling within its jurisdiction. It may also seek the advice of any experts whose views on certain questions may be deemed necessary.
- 3.—The Permanent Military Commission shall submit detailed reports on the results of its activities and studies to the Joint Defence Council provided for in Article 6 of this Pact, as well as an annual report giving full particulars of its work and studies during the whole year.
- 4.—The Permanent Military Commission shall take up its permanent headquarters in Cairo but may hold meetings in any other place. The members shall elect a chairman for two years. Candidates for the presidency should hold at least the rank of general. All members of the Commission shall be nationals of the country they represent.
- 5.—In the event of war, the general command of the joint forces shall be entrusted to the contracting party possessing the largest military force taking actual part in field operations unless, by unanimous agreement, the Commander-in-Chief is selected otherwise.

(ii) Proposals on defence presented to the Egyptian Government by the Governments of the United Kingdom, the U.S.A., France and Turkey, 13 October 1951¹

DOCUMENT A

POINT I

Egypt belongs to the free world and in consequence her defense and that of the Middle East in general is equally vital to other democratic nations.

POINT II

The defense of Egypt and of other countries in the Middle East against aggression from without can only be secured by the cooperation of all interested powers.

POINT III

The defense of Egypt can only be assured through the effective defense of the Middle East area and the coordination of this defense with that of adjacent areas.

POINT IV

It therefore seems desirable to establish an Allied Middle East Command in which the countries able and willing to contribute to the defense of the area should participate. France, Turkey, the United Kingdom and the United States are prepared to participate with other interested countries in establishing such a Command. Invitations to participate in the Command have been addressed to Australia, New Zealand, the Union of South Africa, who have indicated their interest in the defense of the area and who have agreed in principle.

POINT V

Egypt is invited to participate as a founder member of the Middle East Command on a basis of equality and partnership with other founder members.

POINT VI

If Egypt is prepared to cooperate fully in the Allied Command Organization in accordance with the provisions of the attached annex, His Majesty's Government for their part would be willing to agree to withdraw from Egypt such British forces as are not allocated to the Allied Middle East Command by agreement between the Egyptian Government and the Governments of other countries also participating as founder members.

Department of State Bulletin, 22 October 1951, pp. 647-8. For the British proposals on the Sudan, presented simultaneously, see below, p. 466.

POINT VII

As regards armed forces to be placed at the disposal of the Allied Middle East Command and the provision to that Command of the necessary strategic defense facilities, such as military and air bases, communications, ports, etc., Egypt will be expected to make her contribution on the same footing as other participating powers.

POINT VIII

In keeping with the spirit of these arrangements Egypt would be invited to accept a position of high authority and responsibility with the Allied Middle East Command and to designate Egyptian officers for integration in the Allied Middle East Command Headquarters staff.

POINT IX

Facilities to train and equip her forces will be given to Egypt by those participating members of the Allied Command in a position to do so.

POINT X

The detailed organization of the Allied Middle East Defense Organization and its exact relationship with the N.A.T.O. have yet to be worked out in consultation between all the powers concerned. For this purpose it is proposed that all founding members of the Allied Middle East Command should send military representatives to a meeting to be held in the near future with the object of preparing detailed proposals for submission to the governments concerned.

DOCUMENT B

TECHNICAL ANNEX

(I)

In common with other participating powers who are making similar contributions to the defense of the area.

- (a) Egypt will agree to furnish to proposed Allied Middle East Command Organization such strategic defense and other facilities on her soil as are indispensable for the organization in peacetime of the defense of the Middle East;
- (b) that she will undertake to grant forces of the Allied Middle East Command all necessary facilities and assistance in the event of war, imminent menace of war, of apprehended international emergency including the use of Egyptian ports, airfields and means of communication.

(2)

We should also hope that Egypt would agree to the Allied Supreme Commander's Headquarters being located in her territory. (3)

In keeping with the spirit of these arrangements, it would be understood
(a) that the present British base in Egypt would be formally handed
over to the Egyptians on the understanding that it would simultaneously

over to the Egyptians on the understanding that it would simultaneously become an Allied base within the Allied Middle East Command with full Egyptian participation in the running of this base in peace and war;

(b) that the strength of the Allied force of participating nations to be stationed in Egypt in peacetime would be determined between the participating nations including Egypt from time to time as progress is made in building up the force of the Allied Middle East Command.

(4)

It also would be understood that an air defense organization including both the Egyptian and Allied forces would be set up under the command of an officer with joint responsibility to the Egyptian Government and to the Allied Middle East Command for the protection of Egypt and Allied bases.

(iii) Declaration by the Governments of the U.S.A., the United Kingdom, France and Turkey on their intention to establish a Middle East Command, 10 November 1951¹

In proceeding with their announced intention to establish the Middle East Command, the Governments of the United States, United Kingdom, France and Turkey state that they are guided by the following principles:

- 1. The United Nations is a world response to the principle that peace is indivisible and that the security of all states is jeopardized by breaches of the peace anywhere; at the same time it is incumbent upon the states of any area to be willing and able to undertake the initial defense of their area.
- 2. The defense of the Middle East is vital to the free world and its defense against outside aggression can be secured only by the co-operation of all interested states.
- 3. The Middle East Command is intended to be the center of co-operative efforts for the defense of the area, as a whole; the achievement of peace and security in the area through the Middle East Command will bring with it social and economic advancement.
- 4. A function of the Middle East Command will be to assist and support the states willing to join in the defense of the Middle East and to develop the capacity of each to play its proper role in the defense of the area as

¹ Department of State Bulletin, 19 November 1951, pp. 817-18.

a whole against outside aggression. It will not interfere in problems and disputes arising within the area. The establishment of the Middle East Command in no way affects existing arrangements relating to such matters, notably the armistice agreements and the United States-United Kingdom-French Tripartite Declaration of May 1950¹

- 5. The task of the Middle East Command at the outset will be primarily one of planning and providing the Middle East States on their request with assistance in the form of advice and training. Requests for arms and equipment made by states in the area willing to join in its defense to sponsoring states in a position to assist in this connection will be filled by them to the extent possible following the co-ordination of such requests through the Middle East Command.
- 6. The Supreme Allied Commander Middle East will command forces placed at his disposal and will develop plans for the operations of all forces within the area (or to be introduced into the area) in time of war or international emergency. However, the placing of forces under the command of the Supreme Allied Commander Middle East in peacetime is not a prerequisite for joining in the common effort for the defense of the Middle East. Movement of those troops placed under the command of the Supreme Allied Commander Middle East to or within the territories of states joining in the defense of the Middle East will be made only with the agreement of the state or states concerned and in full accord with their national independence and sovereignty.
- 7. While details have yet to be formulated, the sponsoring states intend that the Middle East Command should be an integrated allied command, not a national command. The responsibility of the Supreme Allied Commander Middle East will be to insure the effectiveness of the corporate defense enterprise represented by the command. All states joining in this enterprise will be individually associated with the command on the basis of equality through a Middle East Defense Liaison Organization which will be located at Middle East Command Headquarters and will be the link between the command and the countries ready to join in the defense of this area.
- 8. Any facilities granted to the Middle East Command by states joining in the defense of the Middle East will be the subject of specific agreements.
- 9. The broad mission of the Middle East Command and its co-operative character make it necessary that all States, whether territorially or not part of the area, act in the best interests of the co-operative defense of the area; the Middle East Command naturally will not further the national interest of any particular state.
- 10. A continuing objective of the Middle East Command is to reduce such deficiencies as exist at present in the organization and capacity for

¹ Documents (R.I.I.A.) for 1949-50, pp. 318-19.

defense in a vitally important area so that the peacetime role of the states of the area in Middle East defense will progressively increase, thus permitting the peacetime role of states not territorially part of the Middle East to be decreased proportionately.

- the initial form in which the Middle East Command do not regard as unchangeable; they believe that the Middle East Command through mutual understanding should evolve in the manner which will enable it most effectively to provide for the defense of the Middle East area as a whole.
- (iv) Note from the Russian Government to the Egyptian Government concerning the proposed establishment of a Middle East Command, 21 November 1951¹

The Soviet Government deems it necessary to state the following to the Government of Egypt.

On October 14 this year the Press published proposals of the Governments of the United States, Britain, France and Turkey which they officially addressed to the Government of Egypt on the question of establishing the so-called Allied Middle Eastern Command for the joint 'defence' of the Near and Middle East. It is also known that the above proposals have been transmitted to the Governments of Syria, the Lebanon, Iraq, Saudi Arabia, the Yemen, Israel and Transjordan. On November 10, the Declaration of the Governments of the United States of America, Britain, France and Turkey on this same question, turned over to the Governments of the above countries, was published.

The above proposals envisage establishing an 'Allied Command in the Middle East,' the stationing of foreign armed forces on the territory of Egypt and other countries of the Near and Middle East as well as accommodating on the territory of Egypt the Headquarters of this Command and the placing at its disposal by Egypt, as well as by other countries in this area, of armed forces, military bases, communications, ports and other installations. At the same time these proposals envisage that the so-called Middle Eastern Command would be connected with the Atlantic bloc organisation.

It follows from the proposals and declaration of the four States that the demand of the above States to set up the above Joint Command in the area of the Near and Middle East aims at drawing the States of the Near and Middle Eastern area into the war measures being effected by the Atlantic bloc under the pretext of organising the 'defence' of this area.

¹ Soviet News, 27 November 1951. Similar notes were sent to Lebanon, Iraq and Israel, and, on 22 November, to Saudi Arabia and the Yemen.

As the Soviet Government has already repeatedly pointed out in its official documents, the aims of the Atlantic bloc have nothing in common with the tasks of the defence of its participants. On the contrary, the facts show that this bloc pursues aggressive aims and is directed against the U.S.S.R. and the people's democracies. At the same time the aims of the Atlantic bloc run counter to the basic principles of the United Nations, whose task is the maintenance of peace and the promotion of friendly relations among nations and not the establishment of blocs of some States directed against other States.

The measures which are being carried out by the organisers of the Atlantic bloc in Europe and other areas show that it is an instrument of the aggressive imperialist policy of its organisers, headed by the United States of America. This alone already shows that the plan for setting up a Middle Eastern Command envisaged in the proposals of the four countries has nothing in common with the interests of maintaining peace and security in the Near and Middle East, nor with the genuine national interests of the States of this area. This is also seen from the fact that the organisation of such a command is linked with the broad plans for setting up new and extending available military bases in Egypt, Iraq and other countries of the Near and Middle East, for prolonging the stay in these countries of foreign and armed forces as well as for bringing new foreign armed forces into their territories contrary to the clearly expressed will of the population of these countries.

The realisation of the plan of setting up the so-called Middle Eastern Command would lead to the actual military occupation of countries of the Near and Middle East by the troops of countries organising the Atlantic bloc, first and foremost by the troops of the United States and Britain as well as of other States including Australia and New Zealand located at a distance of 12,000 to 15,000 kilometres from this area. What such a situation would mean for the countries of the Near and Middle East is not difficult to see from the examples of certain of these countries which, decades ago, were subjected to occupation by foreign troops which continue to remain there to this day, notwithstanding the lawful demands of the peoples of these countries for the withdrawal of foreign troops from their territories.

The occupation of countries of the Near and Middle East by foreign troops, and the establishment of foreign military bases on their territories, in accordance with the plans for setting up the Middle Eastern Command, cannot but lead to the loss of the independence and sovereignty by these countries and their subjugation to certain big Powers, which are trying to use their territories, their material resources—oil, cotton, etc.—for aggressive ends of theirs.

All references to the interests of defence of countries of the Near and

Middle East in reality are merely camouflage to disguise the drawing of Egypt as well as of other countries of the Near and Middle East into military measures of the Atlantic bloc directed against the Soviet Union and the people's democracies.

In this connection the Soviet Government deems it necessary to stress the generally known fact that the Soviet Government, from the very first days of the existence of the Soviet State, has regarded with understanding and sympathy the national aspirations of the peoples of the East and their struggle for national independence and sovereignty. As distinct from those powers which are accustomed to regard countries of the Near and Middle East as their colonies, the Soviet Union, following its invariable policy of supporting the just national demands of peoples both big and small, in 1946, as is known, supported in the Security Council the lawful demands of Syria and Lebanon for the evacuation of foreign troops from the territories of these countries. In 1947 the Soviet Union supported in the Security Council the analogous demands of Egypt. Such a policy of the Soviet Union corresponds not only to the fundamental national interests of the peoples of the Near and Middle East but also to the interests of maintaining universal peace.

The Soviet Government has invariably been pursuing a policy of peace, evidence of which is provided by its concrete proposals directed at strengthening peace and security, which the Soviet Union has repeatedly made in the past, and is making now in the United Nations, urging it to put an end to the armaments drive, to prohibit the atomic weapon, to reduce the armed forces of the five great Powers by one-third, to stop the aggressive war in Korea and to conclude a Peace Pact.

All this shows how absurd are all types of statements about some kind of threat to the countries of the Near and Middle East, references to which are made in an attempt to justify the need for setting up the so-called Middle Eastern Command, and what are the real aims pursued by the Governments of the United States, Britain, France and Turkey in connection with their proposals for establishing such a command.

The Soviet Government fully appraises the stand taken at present by the Government of Egypt with regard to the above proposals of the four States, and deems it necessary to draw the attention of the Government of Egypt to the fact that the participation of countries of the Near and Middle East in the so-called Middle Eastern Command would cause serious damage to the relations existing between the U.S.S.R. and these countries, as well as to the cause of maintaining peace and security in the area of the Near and Middle East.

(v) Exchange of notes between the Russian Government and the Governments of the U.S.A., the United Kingdom, France and Turkey on the establishment of a Middle East Command

(a) Russian note, 24 November 19511

In connection with the address of the Governments of the United States, Britain, France and Turkey to the Governments of Egypt, Syria, Lebanon, Iraq, Saudi Arabia, the Yemen, Israel and Transjordan, regarding the establishment of a so-called Allied Middle Eastern Command, the Soviet Government deems it necessary to state the following to the Government of the United States.

As can be seen from the proposals contained in the above address, as well as from the Declaration on this question published on November 10 by the four Governments, and transmitted to the Governments of the above countries of the Near and Middle East, the Governments of the United States, Britain, France and Turkey envisage:

The subordination of the armed forces of countries of the Near and Middle East to a so-called Allied Command;

The stationing of foreign armed forces on territories of Near Eastern and Middle Eastern countries;

The placing at the disposal of the above Command of military bases, communications, ports and other installations by the Near Eastern and Middle Eastern countries;

The establishment of liaison of this Command with the Atlantic bloc organisations.

The proposals and declaration of the four States show that the plans for the organisation of a so-called Middle Eastern Command represent nothing but an attempt to draw the countries of the Near and Middle East into the war measures which are being carried out by the aggressive Atlantic bloc. Some of the four States—initiators of the setting up of a Middle Eastern Command—which maintain their troops and their military bases on the territories of a number of Near Eastern countries, are already now increasing their armed forces stationed there.

Thus striving to draw the countries of the Near and Middle East into the aggressive war measures of the Atlantic bloc, the Government of the United States as well as other initiators of the establishing of a Middle Eastern Command sets itself the object of turning the countries of the Near and Middle East into bridgeheads for the armed forces of the Atlantic bloc. It is only this way that one can appraise the demand of the four States, aimed to ensure the stay of foreign armed forces in the above countries and to expand there a network of the military bases of foreign States, contrary to the will of the peoples of these countries. It is not

¹ Soviet News, 27 November 1951.

difficult to see that implementation of these measures, meaning in essence occupation of Near and Middle Eastern countries by troops of foreign States, is designed to ensure these States an opportunity for constant intervention in the internal affairs of the countries of the Near and Middle East, and their deprivation of national independence.

The Government of the United States, as well as the Governments of Britain, France and Turkey, tries to justify the organisation of the Middle Eastern Command by references to some kind of allegedly existing threat to these countries, and to the need for the defence of the Near and Middle Eastern area. Such references, however, are absolutely groundless and they cannot be regarded otherwise than as an attempt to deceive public opinion and to divert its attention from the real aggressive plans of the four Powers.

If one is to speak of a threat to the independence and sovereignty of these countries, such a threat emanates precisely from the countries—initiators of the plan for setting up a Middle Eastern Command—which still cannot reconcile themselves to the idea that the peoples of the Near and Middle East, like other sovereign peoples, have the inalienable right to pursue their independent national policy, free from all outside pressure.

The Government of the U.S.S.R. deems it necessary to draw the attention of the Government of the United States to the fact that it cannot overlook these new aggressive plans, expressed in the establishing of a Middle Eastern Command in an area located not far from the frontiers of the Soviet Union. The Soviet Government deems it necessary also to state that the responsibility for the situation which may arise as a result of this will rest with the Government of the United States and the other initiators of the establishing of the above-mentioned Command.

(b) The United States reply, 18 December 19511

The Government of the United States has given careful consideration to the note of the Government of the U.S.S.R. of November 24 concerning the proposed establishment of the Middle East Command.

It is apparent that the Soviet Union has placed a completely erroneous interpretation upon the Middle East Command and has chosen to ignore the clearly-stated purposes and principles upon which the Middle East Command will be founded.

The allegation of the Soviet Union that the Middle East Command is aggressive in intent is utterly without foundation. On the contrary, the statement of principles published by the United Kingdom, France, Turkey and the United States on November 10 make it abundantly clear that the Middle East Command is designed (1) to create a voluntary cooperative

¹ Department of State Bulletin, 31 December 1951, pp. 1055-6.

defense organization to provide for the security of the Middle East area as a whole in the event that that area should become a target of outside aggression, and (2) to assist the states in the area to preserve and strengthen their independence and freedom so that their economic well-being and social institutions can develop in an atmosphere unclouded by fear for their security.

The Middle East Command proposals and principles are based upon the inherent right of self-defense set forth in article 51 of the Charter of the United Nations. Such self-defense is facilitated by cooperative measures like the Middle East Command. The need for these cooperative measures arises from the concern over present tensions in the world situation which have been created by the Soviet Union's aggressive actions. Soviet efforts externally and internally at subversion against the states of the Middle East do not contribute to lessening these tensions.

The United States notes with surprise the assertion by the U.S.S.R. that the idea that any threat exists to the Middle East states is 'absolutely groundless'. The United States Government reminds the Soviet Government that on November 25, 1940, a proposal of U.S.S.R. People's Commissar for Foreign Affairs Molotov to German Ambassador Schulenberg to reach agreement with the Nazi Government of Germany on the delimitation of the spheres of influence between the Axis Powers and the U.S.S.R. provided, among other things, that the U.S.S.R. be enabled to establish 'a base for land and naval forces' within range of the Turkish Straits and that 'the area south of Batum and of Baku in the general direction of the Persian Gulf is recognized as the center of the aspirations of the Soviet Union'. In light of the Soviet attitude toward the Middle East area since the end of World War II, the United States Government can only assume that the aims set forth by Mr. Molotov in 1940 remain the policy of the Soviet Government.

With respect to the Soviet allegation that the sponsors of the Middle East Command intend to convert the Middle East into a place d'armes, with a view to occupying the states in the area and interfering with their internal affairs, the principles submitted to the Middle East states on November 10 make it clear that (a) the Middle East Command will not interfere in matters arising within the area; (b) that movement of Middle East Command forces to or within the territories of the Middle East states will be made only with the agreement of the state or states concerned in full accord with their national independence and sovereignty; and (c) that facilities granted to the Middle East Command will likewise be the subject of specific agreements.

The United States and other members of the NATO have frequently been exposed to the purely propagandistic charge from the U.S.S.R. that the NATO is aggressive. That this charge is a complete distortion of the facts is made clear by the terms of the Treaty, by the steps taken under it, and by the foreign policies of the members. Being devoted to the cause of peace, the members believe that they can best serve this cause by their just determination to defend themselves against aggression. The United States wishes to make quite clear to the Soviet Union that neither the NATO nor the Middle East Command is aggressive in intent. As well known to the Soviet Union and to the Governments satellite to it, there has been no aggression whatsoever originating from the countries who are members of these organizations. Furthermore, there will not be any. Therefore, the Soviet reference to 'the aggressive Atlantic Bloc' is once again rejected as being without any foundation whatsoever.

The Middle East Command proposals and principles, based on the concept that those states choosing to participate in the Command will do so voluntarily as equal members, have been placed before the governments of the sovereign and independent Middle East states for their study and evaluation in the light of their own national interests. The decision as to whether they will elect to participate in the Command and freely accept the benefits and responsibilities of such participation belongs to these states alone and not to the Soviet Government. The recent Soviet threats to these states warning against their participation in the Middle East Command constitute interference in the affairs of these countries. The United States Government believes, as the Soviet Government professes to do, that the peoples of the Middle East have the right to conduct their national policies 'free from any kind of external pressure'. The Government of the U.S.S.R. bears the responsibility for the present situation, not those states which, either individually or collectively under the Charter of the United Nations, take legitimate measures of self-defense in the interest of their own security and of international peace.

(c) The British reply, 18 December 19511

His Majesty's Government in the United Kingdom, having considered the Soviet Government's Note of November 24, 1951, regarding the Middle East command, wish to make the following observations thereon. The Soviet Government's Note under reference completely misrepresents the principles enunciated in the four-Power statement of November 10, 1951. This statement made it clear:

(a) That the Middle East command is intended to be the centre of cooperative efforts for the defence of the area and for the achievement of peace and security in order that social and economic advancement may be furthered; (b) that the association with the command of all States wishing to participate in the defence of the Middle East will be on a basis

¹ The Times, 20 December 1951.

of equality; (c) that movements of troops placed under the command to or within States joining in the defence of the Middle East, and the provision by such States of military facilities, will be effected only with the full agreement of the State or States concerned and therefore in full accord with their national independence and sovereignty; (d) that a continuing objective of the command will be to reduce such deficiencies as exist for the defence of this vitally important area, so that the peace-time role of the Middle East States themselves may progressively increase; (e) that the command has no intention of interfering in problems and disputes arising within the area.

From these principles it is clear that the intention of the four Governments is to establish an organization which will enable the States situated, or having vital interests, in the Middle East to take collective measures in the exercise of their inherent right of self-defence against aggression as permitted by Article 51 of the United Nations Charter. The States of the Middle East are under no compulsion to associate themselves with the command, and if they do so of their own volition the part which they will play and the facilities which they will provide will be determined in free discussion with them. Their conduct of their own internal and external affairs will in no way be restricted by their association with the defence organization.

An examination of the four-Power statement will serve to expose the baselessness of the charges contained in the Soviet Government's Note under reference. His Majesty's Government, for their part, cannot resist the conclusion that the Soviet Government is opposed to any measures designed to assure the stability of the Middle East and thereby to lay the foundations for the future peace and prosperity of the whole area.

His Majesty's Government must once again solemnly reject as without foundation the Soviet Government's allegations that the North Atlantic Treaty Organization is anything but defensive in its conception and aims. The same applies to the Middle East command. Both spring from the same source—namely, the determination to make common cause in resisting aggression against any individual State in the areas concerned or against the areas as a whole.

All the nations concerned abhor war, and all deplore the need to allot to defensive preparations resources which would otherwise be devoted to pacific and constructive ends, and not least to the relief of the needier peoples of the world. The sole responsibility for these developments rests with the Soviet Government. If the latter objects to the defensive preparations that are now being undertaken by the free nations it is incumbent upon it to give an earnest of the pacific intentions which it so freely professes.

B. EGYPT

(i) Extract from King Fārūq's Speech from the Throne, declaring his intention of abrogating the Anglo-Egyptian Treaty of 1936, 16 November 1950¹

Mon gouvernement considère que le Traité de 1936 a cessé d'être une base convenable aux relations anglo-égyptiennes. Il est donc inévitable d'en décider l'annulation et d'arriver à des clauses nouvelles fondées sur d'autres principes susceptibles d'emporter votre approbation, à savoir l'évacuation totale et immédiate et l'unité de l'Égypte et du Soudan sous la Couronne Égyptienne. Mon gouvernement proclame qu'il ne s'écartera jamais de ces principes fondamentaux. Il est profondément convaincu que la reconnaissance de ces principes par le gouvernement britannique serait la plus sûre garantie du maintien de la paix et de la sécurité dans tout le Moyen-Orient.

Mon gouvernement espère bientôt recevoir sous ce rapport des propositions propres à concilier les points de vue en présence et donner satisfaction aux vœux de la chère Vallée.

Quoi qu'il en soit, Mon gouvernement continue de s'employer sans relâche ni hésitation à réaliser les objectifs nationaux. Avec votre appui et grâce à la vigilance et à l'aide de la nation, il ne manquera pas, pour atteindre ses buts, de prendre tous les moyens, notamment celui de proclamer l'extinction du Traité de 1936 parce qu'il est en contradiction flagrante avec la Charte des Nations Unies et que, de plus, les circonstances qui avaient accompagné sa conclusion ont totalement changé, et cette mesure entraînerait naturellement la fin des conventions du 16 janvier et du 10 juillet 1899 relative à l'administration bilatérale du Soudan.

Mon gouvernement espère que le gouvernement britannique comprendra ce que la démocratie récolterait et ce que la paix mondiale gagnerait si l'on faisait droit immédiatement aux justes revendications du peuple de la Vallée du Nil Égypte et Soudan, qui, dans ce cas, pourrait se consacrer entièrement à sa tâche dans l'érection de l'édifice de la civilisation et se ranger aux côtés des démocraties pour servir la cause de la paix.

(ii) Sterling Releases Agreement between the United Kingdom and Egypt, announced 15 March 1951²

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as 'the Government of the United Kingdom') and the Royal Egyptian Government have agreed as follows:—

¹ Bourse Égyptienne, 16 November 1951.

² Cmd. 8336 (London, H.M.S.O., 1951). The Agreement was signed on 1 July 1951.

PART I.—Egyptian No. 1 and No. 2 Accounts:

ARTICLE I

- 1. No. 2 Accounts, opened by banks in Egypt under the Financial Agreement between the Government of the United Kingdom and the Royal Egyptian Government signed in London on 30th June, 1947, shall be No. 2 Accounts for the purpose of Part I of the present Agreement.
 - 2. (a) No. 2 Accounts shall be credited with—
 - (i) Transfers from other No. 2 Accounts;
 - (ii) Any sums paid to the Royal Egyptian Government by the Government of the United Kingdom on or after 14th July, 1947, for services rendered to the United Kingdom Forces before 14th July, 1947;
 - (iii) The proceeds at maturity or on realisation of any investments purchased in accordance with established custom with funds standing to the credit of a No. 2 Account;
 - (iv) Such other transfers as may be agreed between the two Governments;
 - (b) No. 2 Accounts shall be debited with—
 - (i) Releases in accordance with Article 3 of the present Agreement;
 - (ii) Transfers to other No. 2 Accounts;
 - (iii) Payments in respect of investments made in accordance with established custom;
 - (iv) Such other transfers as may be agreed between the two Governments.

ARTICLE 2

Any sterling received on or after 14th July, 1947, by banks in Egypt in respect of current transactions, together with any sums released from No. 2 Accounts, shall be credited to No. 1 Accounts opened in the names of those banks with banks in the United Kingdom.

ARTICLE 3

- 1. There shall be released forthwith from the No. 2 Account of the National Bank of Egypt to the No. 1 Account of that Bank the sum of £25 million sterling.
- 2. In each of the years 1952 to 1960 there shall be released from the No. 2 Account of the National Bank of Egypt to the No. 1 Account of that Bank a sum of £10 million sterling.
- 3. There shall also be released from the No. 2 Account of the National Bank of Egypt to the No. 1 Account of that Bank £5 million sterling per annum commencing in 1951 whenever the total balance on all No. 1

Accounts is less than £45 million sterling, provided that the total releases under this paragraph and under paragraphs 5 and 6 below shall not exceed £35 million sterling during the validity of the present Agreement.

4. Should any part of the £35 million sterling referred to in the preceding paragraph remain outstanding at the end of 1960, it shall be released at a rate of £10 million sterling per annum commencing on 1st January, 1961, with a final payment if page 2007.

with a final payment, if necessary, on 1st July, 1963.

5. There shall also be released from the No. 2 Account of the National Bank of Egypt to the No. 1 Account of that Bank during the period of validity of the present Agreement—

- (a) the equivalent of any sums paid after 14th July, 1947, by the Royal Egyptian Government to the Government of the United Kingdom from an Egyptian Account—
 - (i) in respect of military supplies purchased before 14th July, 1947, and not paid for before that date; and
 - (ii) in respect of surplus stores, equipment or fixed assets in Egypt disposed of by the Government of the United Kingdom to the Royal Egyptian Government either before or after 14th July, 1947;
- (b) the equivalent in sterling of any sums realised by the Government of the United Kingdom in Egyptian currency after 14th July, 1947, from the sale of surplus stores, equipment or fixed assets now in Egypt, other than to the Royal Egyptian Government;
- (c) the equivalent of such amounts as may be paid from Egyptian Accounts to the Government of the United Kingdom by the Royal Egyptian Government for the section of the Palestine Railway situated in Egyptian territory, should an Agreement be made to transfer that section to the Royal Egyptian Government.

The releases under (a) and (c) of this paragraph shall be made at the time the payment is made by the Royal Egyptian Government. The releases under (b) shall be made as soon as practicable after the end of each month in which a sum is realised.

- 6. There may also be released from the No. 2 Account of the National Bank of Egypt to the No. 1 Account of that Bank—
 - (a) the equivalent of any sums paid by banks in Egypt in currencies other than Egyptian pounds to persons resident outside Egypt in respect of past due coupons or redeemed bonds of the Egyptian Public Debt which have not been paid by reason of war measures or interruption of communications due to the war; and
 - (b) the equivalent of any sums paid by banks in Egypt in currencies other than Egyptian pounds to persons resident outside Egypt in

respect of past due coupons or redeemed bonds of Egyptian undertakings which have not been paid before 14th July, 1947, by reason of war measures or interruption of communications due to the war. At the time of making any claims for releases in accordance with this sub-paragraph the Royal Egyptian Government will submit a statement of the securities in respect of which claims may be made.

7. Discussions on the disposal of the remainder of the accumulated sterling balances shall take place before the expiry of this Agreement.

ARTICLE 4

If balances on accounts with banks in the United Kingdom on 14th July, 1947, held by residents of Egypt other than banks in Egypt are at any time requisitioned by the Royal Egyptian Government, these balances shall, to the extent that they are paid over to the Royal Egyptian Government (either directly or through the National Bank of Egypt or other agencies), be credited to the No. 2 Account of the National Bank of Egypt.

PART II.—Miscellaneous Provisions

ARTICLE 5

The Government of the United Kingdom shall forthwith make available to the Royal Egyptian Government, against sterling standing to the credit of Egyptian Accounts, the equivalent of £14 million sterling in United States dollars.

ARTICLE 6

The Government of the United Kingdom shall make such arrangements as will ensure that payment for petroleum products up to a total of £11 million sterling value c.i.f. per annum in each of the ten years 1951–1960 may be made in sterling from Egyptian No. 1 Account.

ARTICLE 7

For the purposes of the present Agreement—the expression 'petroleum products' means motor spirit, kerosene, gas oil, diesel oil, fuel oil, aviation spirit, and lubricants from sterling sources.

ARTICLE 8

The present Agreement shall be deemed to have come into force on 1st January, 1951, and shall continue in force until the releases provided for in Article 3, paragraphs 1 to 4, shall have been completed.

In witness whereof the undersigned, being duly authorised thereto by

their respective Governments, have signed the present Agreement and have affixed thereto their seals.

Done at Alexandria, 1st July, 1951, in duplicate.

For the Government of the United Kingdom:

RALPH SKRINE STEVENSON.

For the Royal Egyptian Government:

M. SALAH EL DIN.

(iii) Note from the British Government to the Egyptian Government containing proposals for the defence of Egypt, together with a note concerning the Sudan, 11 April 1951¹

(a) Defence Proposals

His Majesty's Government in the United Kingdom are prepared to resume negotiations for the revision of the 1936 Treaty of Alliance in accordance with the provisions of Article 16 of that Treaty.

His Majesty's Government in the United Kingdom are aware of the Egyptian Government's great difficulties in the matter. They cannot, however, in view of their commitments to their other allies in the North Atlantic and in the Middle East, accept the responsibility of making any arrangements which prejudice their ability to contribute to a successful defence of this region against an aggressor. Such a defence will only be possible if in the future the Egypt base continues to function in such a manner as to be immediately available in war and if the air defence of Egypt is assured.

In these circumstances His Majesty's Government in the United Kingdom propose that the 1936 Treaty of Alliance be revised so as to provide for the following:—

- (a) The phased withdrawal of British troops from Egypt beginning within one year of the conclusion of an agreement on revision of the Treaty and ending in 1956. (It should be noted that rate of withdrawal of the combatant troops and of General Headquarters depends largely on the rate at which accommodation can be provided for them elsewhere.)
- (b) The progressive civilianisation of the base which it is suggested should be completed by 1956, essential British civilian personnel being introduced as military personnel are withdrawn. The base thereafter to be entrusted to the Egyptian Armed Forces for security purposes but to be operated in accordance with British military policy under the overall administrative control of an Anglo-Egyptian Control Board. (His Majesty's Government in the United

¹ Great Britain: Foreign Office: Anglo-Egyptian Conversations on the Defence of the Suez Canal and on the Sudan (Cmd. 8419) (London, H.M.S.O., 1951) [hereafter referred to as Anglo-Egyptian Conversations], pp. 24-25.

Kingdom would be prepared to pay rent for base installations and sites.)

- (c) The creation of a long-term Anglo-Egyptian co-ordinated air defence system in which there should be both Egyptian and British components.
- (d) The provision at an early date of arms and equipment on training scale for the Egyptian forces and thereafter the provision of whatever further arms and equipment may be necessary in equal priority with other nations with whom Great Britain has working defence agreements. (His Majesty's Government in the United Kingdom would also be prepared to render any assistance required by the Egyptian Government in the training of Egyptian forces.)

(e) In the event of war, imminent menace of war or apprehended international emergency, Egypt would agree to the return of British forces for the period of emergency and would grant to them and to the forces of Britain's allies all necessary facilities and assistance including the use of Egyptian ports, aerodromes and means of communication.

(b) Note concerning the Sudan

His Majesty's Government in the United Kingdom cannot accept the validity of the view that the question of the Sudan is inseparable from that of defence. Nevertheless, His Majesty's Government would be prepared to discuss the question of the Sudan if the Egyptian Government think that this would be useful.

It is the aim of His Majesty's Government to enable the Sudanese to attain self-government at the earliest practicable opportunity and it would be impossible for them to accept any understanding with Egypt which interferes with this objective.

In any event His Majesty's Government suggest that discussion of the defence question should be pursued first and that any discussion of the Sudan should be deferred until at least a preliminary exchange of views on defence has been completed.

(iv) The Egyptian Government's reply, 24 April 19511

The Egyptian Government wishes to express its deep regret and bitter disappointment at the contents of the British Government's reply after long discussions lasting over ten months during which the Egyptian side has spared no effort to explain and support its rights and to meet all the considerations with which the British side was concerned in a manner which would not be inconsistent with Egypt's rights.

The Egyptian Government has no alternative but categorically to reject the British proposals in toto and in detail especially as regards the following points:—

- 1. The date at which evacuation of British troops is to begin and the time set down for completing that evacuation.
- 2. The rate of withdrawal of the combatant troops and General Headquarters being made dependent on the rate at which accommodation can be provided for them elsewhere.
- 3. The time taken in handing over the base to the Egyptian Armed Forces and the stipulation that the base be operated in accordance with British military policy under the overall administrative control of an Anglo-Egyptian Control Board.
- The creation of a long-term Anglo-Egyptian co-ordinated air defence system in which there should be both Egyptian and British components.
- 5. The exceedingly slow rate suggested for the provision of necessary arms and equipment for the Egyptian forces.
- 6. The return of British forces to Egypt in the event of imminent menace of war or apprehended international emergency.
- 7. Separating the question of evacuation from that of the unity of Egypt and the Sudan under the Egyptian Crown.
- 8. Offering 'the earliest practicable opportunity' as a pretext for putting off the time at which the Sudanese may enjoy self-government.

The Egyptian Government desires also to affirm that, so far as it is concerned, it rejects the British Government's claim to share in the defence of the Middle East on the plea of their obligations towards their other allies in the North Atlantic and the Middle East.

The Egyptian Government puts forward in its turn the following counter-proposals as a basis for resuming negotiations between the two Governments with a view to a settlement of the problems outstanding between them:—

- 1. The evacuation of British troops from Egypt to begin immediately upon concluding the agreement and the necessity of completing this evacuation by land, sea and air within a period not exceeding one year.
- 2. The base to be handed over to the Egyptian armed forces immediately upon the completion of evacuation in accordance with the preceding paragraph.
- 3. Special priority for the provision of necessary arms and equipment to be given to the Egyptian Army at the earliest opportunity, considering that Egypt is situated in a sensitive strategic area.

4. The unity of Egypt and the Sudan under the Egyptian Crown and self-government for the Sudanese within two years in the framework of this unity.

5. British forces and British officials to be withdrawn from the Sudan and the present régime in the Sudan to be terminated immediately

upon expiry of those two years.

6. The conclusion of an agreement between the two parties whereby British forces may return to those places to which, in the agreed opinion of the two Governments, it is necessary that they should return for the purpose of assisting in the defence of Egypt in the event of an armed aggression upon her or in the event of the United Kingdom's being involved in war as the result of an armed aggression on the Arab countries adjacent to Egypt.

7. In the event of their returning to Egypt in accordance with the preceding paragraph, British troops will begin to withdraw from Egyptian territory immediately upon the cessation of hostilities. This withdrawal to be completed by land, sea and air within a period not

exceeding three months.

8. The Treaty of Alliance signed in London on 26th August, 1936, together with the Agreed Minute, notes and Convention, also the two Agreements of 1899 regarding the Sudan to be abrogated immediately upon the entry into force of the new agreement.

These are the counter-proposals of the Egyptian Government. They are, as the Egyptian side, in the course of talks with Field-Marshal Slim, the British Ambassador and the late Mr. Bevin, has fully and clearly explained, adequate to meet the international situation. Indeed, they are the only means of clarifying the sombre atmosphere pervading Anglo-Egyptian relations for the common good of the two countries and in the interest of international peace in the Middle East as a whole.

Should the British Government, therefore, recognise—as we hope in all sincerity they will—that British, Egyptian and international interests all call for a speedy acceptance of these proposals as a basis for settling outstanding problems between the two countries and that any delay in dealing with the situation is fraught with grave harm to future Anglo-Egyptian relations and to the cause of international peace, then there will be no difficulty in reaching the desired agreement.

But if all efforts after this long time prove abortive, the British Government are no doubt aware of Egypt's attitude towards the 1936 Treaty and the 1899 Agreements. This attitude has been frankly and explicitly stated by the Egyptian Government on many occasions, the latest being the Speech from the Throne addressed to the Egyptian Parliament in November last.¹

(v) Aide-mémoire from the British Government to the Egyptian Government concerning the Sudan, 8 June 1951¹

(a) Proposals for discussions on the Sudan

Despite the fact that no material progress has been made in the direction of a Defence Agreement, His Majesty's Government in the United Kingdom, while maintaining their view that the question of the Sudan is entirely separate from that of defence, are prepared to open discussions on the Sudan with the Egyptian Government.

His Majesty's Government in the United Kingdom hope, as a first step, to secure the agreement of the Egyptian Government to the principles set forth in the annex to this Aide-Mémoire. These principles represent an earnest attempt by His Majesty's Government to formulate a common statement of objectives in regard to the future of the Sudan. It will be observed that they recognise the inter-dependence of Egypt and the Sudan, they enable the Egyptian Government to play their proper part in the evolution of the Sudan, and at the same time they take into account His Majesty's Government's own commitments to the Sudanese people.

If the Egyptian Government are willing to subscribe to these principles it might then be possible to work out jointly a programme of political and economic development in the Sudan.

These principles have been drafted with the greatest care and with the object of avoiding affront to both the Egyptian and the Sudanese people and also of avoiding any misconstruction of their true meaning of the kind which contributed to the failure of the Anglo-Egyptian negotiations in 1946.

Annex

Statement of Principles

- (a) In view of the dependence of both Egypt and the Sudan on the waters of the Nile and in order to ensure the fullest co-operation in expanding the supplies available and in sharing them, it is essential that the friendliest relations should link the two peoples.
- (b) It is the common aim of Egypt and Great Britain to enable the people of the Sudan to attain full self-government as soon as practicable and thereafter to choose freely for themselves their form of government and the relationship with Egypt that will best meet their needs as they then exist.
- (c) In view of the wide differences of culture, race, religion and political development existing among the Sudanese, the process of attaining full self-government requires the co-operation of Egypt and the United Kingdom with the Sudanese.
- (d) The two Governments therefore agree to set up forthwith a tripartite commission in order to help the Sudanese towards the goal in (b) and to assist them in formulating their future Constitution.

¹ Anglo-Egyptian Conversations, pp. 27-28.

(b) Note concerning defence

His Majesty's Government in the United Kingdom are making a careful study of the proposals contained in the Egyptian Government's Aide-Mémoire of 24th April in regard to a possible new Anglo-Egyptian Defence Agreement in the hope that some way may be found of narrowing the wide divergency of view which evidently exists between the British and Egyptian proposals or at least that some common approach to the problem can be worked out. Meanwhile His Majesty's Government in the United Kingdom note with disappointment that whereas their own proposals represented a very considerable modification of the position laid down by the Anglo-Egyptian Treaty of 1936, the Egyptian proposals do not appear to differ in essence from the claims put forward by the Egyptian Government as their objectives when they assumed power some eighteen months ago.

(vi) The Egyptian Government's reply, 6 July 19511

- 1. The Royal Egyptian Government hope that His Majesty's Government in the United Kingdom have completed the study of the Egyptian counter-proposals concerning evacuation which were contained in the Aide-Mémoire handed by the Egyptian Foreign Minister to the British Ambassador on 24th April last.² Sufficient time has no doubt elapsed since then to enable His Majesty's Government to complete that study and to give an opinion on the said counter-proposals.
- 2. The Royal Egyptian Government find themselves obliged to call His Majesty's Government's attention to the impossibility of going on indefinitely with the talks conducted between the two parties since July 1950. Hitherto these talks have lasted over a year without a glimpse of hope towards reaching the desired agreement. Indeed, these talks are no more than a further link in the chain of attempts made in vain by Egypt since the end of World War II to impress upon Great Britain the necessity of respecting Egypt's rights and of putting a stop to the aggression against her sovereignty and the integrity of her territory. It is obvious that His Majesty's Government in the United Kingdom lose nothing by this procrastination, but it has become extremely difficult for the Royal Egyptian Government and Egyptian public opinion to contemplate any further prolongation of this state of affairs.

The remark made in the British Embassy's Aide-Mémoire dated 8th June, 1951, that the Egyptian counter-proposals do not appear to differ in essence from the claims put forward by the Egyptian Government as their objectives when they assumed power some 18 months ago is unwarrantable and there can be no comparison between the positions of the two

¹ Anglo-Egyptian Conversations, pp. 28-29.

² See above, p. 442.

Governments in the manner set forth in the said Aide-Mémoire, for, whereas the Royal Egyptian Government claim inviolable national rights which cannot be bartered away, His Majesty's Government in the United Kingdom pursue exaggerated interests, and when right and interest are at variance, right should be made to prevail.

Nevertheless, the Royal Egyptian Government have done their uttermost to reconcile the interests claimed by Great Britain to Egypt's rights. They believe in all sincerity that their counter-proposals can alone satisfactorily ensure this reconciliation.

- 3. The Royal Egyptian Government cannot differentiate between certain national rights and others. They cannot countenance separating the question of evacuation from that of the unity of Egypt and the Sudan under the Egyptian Crown. Indeed, they regard these two questions as one indivisible whole, and it is inevitable that both questions be simultaneously settled and covered by any agreement to be concluded between the two Parties.
- 4. The Royal Egyptian Government are glad to see that His Majesty's Government in the United Kingdom have abandoned their view of postponing the discussion of the question of the Sudan. They have no objection to the formulation of a common statement of objectives in regard to the future of the Sudan, but they cannot possibly accept the view-point contained in the British Aide-Mémoire and its Annex in regard to those objectives for the following reasons:—

First: The British viewpoint omitted to mention the unity of Egypt and the Sudan under the Egyptian Crown. This is an established fact and no agreement which fails to recognise this fact can ever be acceptable to any Egyptian Government. True, the British Aide-Mémoire stated that the principles annexed thereto recognise the interdependence of Egypt and the Sudan, but the Annex limited this interdependence to the waters of the Nile and drew only one conclusion therefrom: that it is essential that the friendliest relations should link the two peoples.

In fact the link of the dependence of both Egypt and the Sudan on the waters of the Nile—the importance of which no one would underestimate—is not the only link that binds together Egypt and the Sudan from time immemorial. There is the community of race, language, religion, culture, customs and interests as well as the geographical unity, the economic unity, etc. In the presence of all these strong and inseverable ties it is gross injustice for the British Aide-Mémoire and its Annex to speak of two countries and two peoples instead of speaking of one country and one people indivisible, inseparable.

Second: The British Aide-Mémoire spoke of commitments of His Majesty's Government to the Sudanese people. It is not enough for

His Majesty's Government in the United Kingdom to impose upon themselves those so-called obligations deriving from no right whatever then make use of them to-day for separating Egyptians and their compatriots the Sudanese. Indeed, the historical and legal position of the unity of Egypt and the Sudan leaves no gap for His Majesty's Government in the United Kingdom to penetrate through on the pretext of their obligations towards the Sudanese. The Royal Egyptian Government have on many occasions made clear this position and a recapitulation thereof would be superfluous here.

Third: The Annex referred to the wide differences of culture, race, religion and political development existing among the Sudanese. Some of these differences lack actual scientific support, such as the difference of race. The Sudan Administration is to blame for the rest of those differences, for it has deliberately sought to isolate the south of the Sudan from the north and to prevent the inhabitants of the north from getting in touch with those of the south, thereby standing in the way of natural penetration and spreading of the Arabic language and the Moslem religion into the south.

In any case, the Royal Egyptian Government can by no means accept those differences as an argument to distinguish between the various parts of the Sudan or to hinder the Sudanese in their entirety from enjoying self-government.

5. In view of the above, the Royal Egyptian Government propose that the statement of principles should be made as follows:—

(a) The unity of Egypt and the Sudan under the Egyptian Crown.

(b) Self-government for the Sudanese within the framework of this unity in two years.

(c) British forces and British officials to be withdrawn from the Sudan and the present régime in the Sudan to be terminated immediately upon the expiry of those two years.

(d) In the event of the principles outlined in (a), (b) and (c) being accepted the Royal Egyptian Government agree to setting up a tripartite commission in order to help attain the goal in (b).

(vii) THE EMPIRE ROACH INCIDENT

(a) Note from the British Government to the Egyptian Government protesting against the detention by the Egyptian Navy of the British steamship Empire Roach and against Egyptian interference with shipping in the Suez Canal, 11 July 1951¹

At 1700 hours on 1st July the British steamship 'Empire Roach', bound for Aqaba, was stopped by Egyptian Navy corvette No. 61 in the approaches to the Enterprise Channel and detained for 24 hours. An

^{1 19} July 1951, H.C. Deb. 5th ser. vol. 490, col. 1409.

Egyptian armed guard was placed aboard the steamship. No member of the ship's crew was allowed on deck between 1900 hours, 1st July, and 0800, 2nd July. During this time members of the Egyptian armed guard looted the bosun's store, removing goods to the approximate value of £200. In addition, they wrecked the ship's radio. Commander of the Egyptian armed guard gave no reason for their action except that they had received instructions to commit it.

His Majesty's Government, in common with other Governments concerned, have already had cause to protest to the Egyptian Government for their illegal and unwarranted interference with the movement of shipping through the Suez Canal. The present act of armed spoliation constitutes a further flagrant violation of international law, and His Majesty's Government presumes that the Egyptian Government will inflict exemplary punishment on those responsible. His Majesty's Government will in due course put forward a claim to the Egyptian Government for substantial damages, and for compensation in respect of loss caused by the Egyptian action.

(b) The Egyptian reply, 23 July 19511

De l'enquête minutieuse à laquelle ont procédé les autorités compétentes du ministère de la Guerre et de la Marine ensemble avec le ministère des Affaires Étrangères, il résulte:

Que le 1er juillet 1951, vers 17 h. la corvette 'Nasr', de la Marine Royale Egyptienne, en service dans le Golfe d'El Akkaba aperçut le vapeur britannique 'Empire Roach', naviguant en direction nord, à un mille environ de la côte du Sinaï près du lieu dit Sharm el Cheikh à l'entrée du Golfe d'El Akkaba, et à l'ouest de la ligne allant de Ras Nusrâni à Ras Mohammed, soit dans une zone interdite à la navigation commerciale en vertu de la circulaire de la Marine Royale Égyptienne No. 39 de 1950, portée — en dû temps — tant à la connaissance des compagnies de navigation maritime que des consulats étrangers.

Le patrouilleur 'Nasr' approcha le vapeur et, au moyen de signaux Morse, l'invita à indiquer sa destination et la nature de sa cargaison. Cet appel ayant été réitéré, sans résultat aucun, le 'Nasr' intima à l' 'Empire Roach' l'ordre de stopper, en utilisant, cette fois-ci, la sirène et la lettre 'K', conformément aux règlements maritimes en la circonstance. Mais loin d'obtempérer à cet ordre ou de répondre, tout au moins, comme il aurait dû le faire, aux questions que le patrouilleur lui posait, l' 'Empire Roach' accélera considérablement sa vitesse montrant manifestement sa volonté de se dérober à la reconnaissance.

Une attitude aussi étrange qu'irrégulière ne pouvait, même en temps

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Bourse Égyptienne, 24 July 1951.

normal, qu'éveiller les soupçons du patrouilleur. A plus forte raison en est-il ainsi dans le temps présent en considération de la situation actuelle dans le Golfe d'El Akkaba, où, la paix n'étant pas encore définitivement établie entre toutes ses puissances riveraines, il s'y fait un commerce de contrebande de toutes sortes. Et, d'autant plus, que l' 'Empire Roach' transportait à son bord, comme partie de sa cargaison, un certain nombre de canons Buffers [Bofors] visible à distance, même à l'œil nu.

Dans ces conditions qui rendaient nécessaire l'exhibition des preuves, le patrouilleur égyptien ne pouvait que recourir aux moyens mis à sa portée par le droit maritime international: il tira un coup de canon pour arrêter l''Empire Roach' et l'arraisonner. Le vapeur ayant stoppé alors, 4 hommes de l'équipage du patrouilleur conduits par un officier, furent envoyés à son bord pour s'assurer de sa destination et de la nature réelle de sa cargaison.

L'incident aurait pu s'arrêter là si le capitaine de l' 'Empire Roach' n'avait cru devoir refuser de se prêter à tout examen utile des papiers de bord, se contentant de déclarer verbalement qu'il transportait des canons et des munitions à destination du port d'El Akkaba, en ne produisant à l'appui de cette déclaration que le 'log-book', qui ne contenait rien de positif à ce sujet, à l'exclusion de tous autres documents utiles, tel, le manifeste de la marchandise.

Cette attitude du capitaine du vapeur britannique et l'heure qui se faisait tardive (il était 6 h. 30 passé) obligèrent le commandant du patrouilleur à conduire l' 'Empire Roach' au port tout proche de Sharm El Cheikh. Là le capitaine du vapeur consentit enfin à produire les documents qui attestaient qu'en fait, il transportait six canons Buffers et 225 tonnes de munitions destinées au port jordanien d'El Akkaba.

La visite terminée, l' 'Empire Roach' aurait pu reprendre son chemin, mais des raisons d'ordre technique se rattachant aux difficultés de la navigation nocturne dans ces parages, rendaient pratiquement impossible son départ avant le lever du jour. Aussi dut-il mouiller dans le port de Sharm El Cheikh la nuit du 1er au 2 juillet, avec à son bord un picket de gardes composé de 4 hommes de l'équipage du patrouilleur. La présence à bord de ces gardes se justifiait tant par la nature dangereuse de la cargaison que par la condition du lieu, zone interdite tant aux civils qu'à la navigation commerciale.

L' 'Empire Roach' aurait dû normalement repartir le lendemain le 2 juillet, au matin. Il n'a pu toutesois reprendre son voyage qu'à 17 heures, le commandant du patrouilleur 'Nasr', eu égard aux circonstances particulières de la cause, n'ayant pas cru devoir prendre sous sa seule responsabilité une décision en la matière sans en référer à ses supérieurs hiérarchiques au Caire et à Alexandrie. Les autorités compétentes du ministère de la Guerre et de la Marine ont marqué leur désapprobation de cette attitude

du commandant contraire aux prescriptions formelles de la Marine Royale Égyptienne relatives aux opérations de reconnaissance et d'arraisonnement des bâtiments de commerce dans les eaux territoriales égyptiennes, en lui infligeant la sanction disciplinaire de réprimande.

Par contre, il ne s'est pas avéré exact, comme le prétend la Note de l'Ambassade, que les membres de l'équipage de l' 'Empire Roach' aient été mal traités ou indûment retenus, la restriction apportée à leur liberté de mouvement à bord, en les rassemblant dans un même local, n'ayant duré que le temps strictement nécessaire à l'accomplissement des formalités de visite et d'examen des papiers de bord, soit en tout 30 minutes environ.

De même, il n'est pas établi que les membres de l'équipage du patrouil-leur, envoyés à bord de l' 'Empire Roach', et dont le nombre n'a jamais dépassé six hommes à la fois, aient commis les actes de spoliation et de vol qui leur sont si généreusement attribués. Tous les témoins entendus à l'enquête, soit douze officiers et marins de tous grades ont été unanimes à rejeter ces accusations. Il s'est révélé par contre, que lorsque le commandant égyptien fut informé oralement le 2 juillet, vers midi, des plaintes du capitaine de l' 'Empire Roach' au sujet de la disparition de certains menus objets, il procéda sur le champ à une inspection de son navire où rien n'a été trouvé. Bien plus il invita le capitaine de l' 'Empire Roach' à déléguer l'un de ses propres hommes à bord du patrouilleur aux fins d'identifier les supposés coupables mais le capitaine s'étant ravisé, émit l'hypothèse que ces objets se seraient possiblement égarés au départ, au port d'Adabia à Suez.

Ces détails, ignorés sans doute du gouvernement britannique amènent à rejeter les accusations de vol et de spoliation armée attribuées aux hommes de l'équipage du patrouilleur. Aussi furent-ils passés sous silence par le capitaine de l''Empire Roach'.

Et, si dans le reçu signé par ce dernier et adressé au commandant égyptien, et produit du reste spontanément par celui-ci il est question de restitution d'effets personnels manquants (return of the personal articles missing from this vessel) il y a lieu d'observer que le dit écrit — la seule communication écrite reçue par le commandant égyptien — ne lui fut remis qu'au départ de l'Empire Roach', à un moment où il ne pouvait formuler la moindre réserve à son sujet. En le lisant, le commandant était sous l'impression qu'il s'agissait des passeports et des fusées retirés sur ses ordres: les premiers, par mesure de sûreté vis-à-vis de l'équipage extrêmement cosmopolite de l'Empire Roach'; les secondes, pour éviter que les membres de cet équipage n'en fassent à nouveau un usage abusif, comme ils avaient déjà essayé de le faire au cours de l'opération de la reconnaissance et de visite.

Du reste les effets et objets prétendûment dérobés et détaillés aux

annexes 2 et 3 de la lettre ampliative de l'ambassade, outre qu'ils sont d'une valeur négligeable, seraient pour la plupart partie du matériel même de l' 'Empire Roach': boîtes de peintures, seaux, pinceaux, marteaux, etc. . . . Et selon le récit exposé dans la dite lettre, ces objets n'auraient pu être dérobés en fait que par les membres du picket de garde, ce qui est difficilement concevable, ces hommes au nombre de 4, n'ayant en effet, jamais quitté leur poste à bord de l' 'Empire Roach', que le 2 juillet dans la pleine lumière du jour. Et des objets comme ceux mentionnés ne sont pas de ces petites choses qui peuvent être cachées ou emportées furtivement.

Quant aux dommages occasionnés à la Radio de bord, il s'est révélé que le capitaine avait commencé par affirmer n'avoir point d'appareil de radio à bord, puis, que celui qui s'y trouvait effectivement, était hors d'usage depuis 1949; de sorte que si l'officier égyptien et ses compagnons avaient pu y toucher ce ne pouvait être que pour s'assurer directement de la véracité des déclarations du capitaine à ce sujet, mais sans aucune

intention de nuire au dit appareil.

Il découle de tous ces éléments de l'enquête que le seul manquement pouvant être retenu à charge du patrouilleur égyptien 'Nasr' et son commandant, c'est d'avoir prolongé indûment la détention de l' 'Empire Roach'. Pour ce manquement le commandant s'est vu infliger la sanction de la réprimande comme déjà rappelé. Le gouvernement égyptien aurait voulu y joindre l'expression de ses regrets, mais la campagne insidieuse qui a été faite autour de cet incident dans l'intention manifeste de nuire au prestige et aux intérêts de l'Egypte, et le langage éminemment discourtois de la note britannique et son ton agressif ne laissent au gouvernement égyptien d'autre alternative que celle d'exprimer par contre au gouvernement britannique ses vives protestations et d'attirer particulièrement son attention sur l'attitude ci-haut décrite de l' 'Empire Roach', qui constitue une violation grave et inquiétante des règles les moins contestées du droit international public.

L'on ne saurait passer en effet sous silence, après cette mise au point des faits matériels de la cause, l'aspect juridique du problème qui est prédominant, et dont l'intelligence et la parfaite compréhension sont essen-

tielles pour prévenir la répétition d'incidents de cette nature.

Un point est certain. Quel que soit le statut assigné aux espaces maritimes proches de la terre, ou les raisons mises en avant pour le justifier, il n'est contesté par personne que ce voisinage de la terre imprime aux espaces maritimes un caractère juridique différent de celui qu'on reconnaît à la haute mer. Et, si en vertu de la liberté de la haute mer et de l'absence de souveraineté spaciale, aucun État ne peut—en haute mer—faire d'actes d'autorité à l'égard des navires battant pavillon étranger, il n'en est point de même pour ce qui concerne les espaces maritimes proches

de la terre, qu'il s'agisse des eaux intérieures ou de la mer territoriale; le voisinage de la souveraineté territoriale devant nécessairement avoir sa

répercussion sur les dits espaces.

C'est ainsi que le principe qui domine la condition juridique des eaux intérieures est celui de la souveraineté de l'État riverain. Et comme le signale un auteur contemporain: 'les eaux intérieures sont de toutes les eaux dont s'occupe le droit maritime public international, celles sur lesquelles sont plus accentuées les manifestations de la puissance de

l'Etat du territoire duquel elles font partie.'

De même, l'accord s'est établi et sans difficulté de nos jours, que la mer territoriale fait aussi partie du territoire; et est de la sorte soumise à la souveraineté de l'État riverain. Les droits de l'État sur ses eaux territoriales sont donc tous ceux qui découlent de la souveraineté sous réserve de limitations imposées par les règles générales du droit des gens (tel le passage inoffensif des navires étrangers), ou acceptées bénévolement visà-vis de certains États par suite d'accords particuliers conclus avec ces derniers.

Le principe de la souveraineté de l'État riverain sur sa mer territoriale implique à son profit, et vis-à-vis des navires étrangers qui usent du droit de passage inoffensif, l'exercice de certains pouvoirs, de certains droits de police pour contrôler, entr'autres, le caractère inoffensif du passage, et prévenir notamment toute atteinte à son ordre public, à ses intérêts fiscaux ou douaniers, à sa sûreté. Il est incontestablement acquis que l'exercice de la police de la sûreté constitue le droit le plus élevé et le plus indispensable de la souveraineté territoriale par rapport à la mer territoriale.

Or, l'une des manifestations de ce pouvoir de police que l'État riverain possède à l'égard des navires de commerce étrangers se trouvant dans ses eaux territoriales, est le droit de 'reconnaissance' qui lui permet de s'assurer de l'identité et de la nationalité des dits navires et, en cas de besoin, à obtenir d'eux tous renseignements utiles au sujet de la cargaison, de l'itinéraire du navire ou sa destination. D'ailleurs la nécessité de ce droit de reconnaissance est telle qu'il est exercé, en vertu d'une coutume séculaire, par les navires de guerre à l'égard des navires de commerce étrangers rencontrés même en haute mer. Et, il est du devoir des navires de commerce de se prêter à l'exercice de ce droit fondamental, surtout vis-à-vis des autorités de l'État avec la souveraineté duquel ils entrent directement en contact en pénétrant dans ses eaux territoriales.

Ce que vient d'être dit s'applique mutatis mutandis aux navires de commerce traversant les eaux d'un détroit qui, quoique mettant en communication deux espaces de la mer libre, se trouvent toutesois entièrement incluses dans la mer territoriale des deux États riverains, ou parfois d'un seul État riverain. Tel est précisément le cas du détroit de Tirân mettant en communication la Mer Rouge et le Golfe d'El Akkaba et dont les eaux resserrées entre l'île égyptienne de Tirân et la péninsule du Sinaï, territoire également égyptien, ne dépassent nulle part en largeur le double de l'étendue de la mer territoriale. Ce caractère de mer territoriale qui est celui du dit détroit ne fait point l'ombre d'un doute. Aussi le droit de passage inoffensif dans les eaux de ce détroit, ne saurait faire obstacle à l'exercice légitime par l'État riverain, en l'espèce: l'Égypte, des droits découlant pour lui de sa souveraineté sur toutes ses eaux territoriales indistinctement.

Il est étrange que le capitaine de l' 'Empire Roach' ait fait semblant d'ignorer toutes ces vérités élémentaires. Son attitude qui consistait: a) à refuser délibérément de répondre, alors qu'il naviguait dans les eaux territoriales égyptiennes, à l'appel répété du patrouilleur égyptien de service dans les dites eaux, tendant à s'assurer de la destination du bateau et de la marchandise; b) à ne pas obtempérer à l'ordre de stopper qui lui fut adressé par le dit patrouilleur; c) à forcer la vitesse de son bateau dans le but de le soustraire à tout droit de reconnaissance ou d'arraisonnement; d) et enfin, après avoir créé tant de causes de suspicions autour de lui, rendant ainsi nécessaire l'exhibition des preuves, à refuser obstinément l'examen de ses papiers de bord.

Cette attitude du capitaine de l'Empire Roach' ne constitue pas seulement un manquement grave à la pratique maritime et aux règles coutumières du droit international public, mais également un défi à la souveraineté de l'État dans les eaux territoriales duquel il naviguait.

L' 'Empire Roach' n'a donc qu'à s'en prendre à lui-même si par la conduite de son capitaine le rendant suspect à tant d'égards, il dût être emmené à Sharm El Cheikh pour être visité.

Dans un autre ordre d'idées l'on ne doit pas perdre de vue la condition présente dans cette région du monde où, malgré les accords d'armistice conclus en 1949, l'état de guerre continue à persister techniquement et juridiquement entre Israël et certains de ses voisins immédiats, dont l'Égypte. De cet état de choses découle le maintien en force de certains droits de guerre, notamment celui, non affecté par les accords d'armistice, de saisir la contrebande de guerre destinée à l'ennemi. C'est à cette fin et, en considération de l'attitude toujours menaçante et inquiétante d'Israël qu'a été maintenu en vigueur, dans les limites strictement nécessaires pour la sécurité nationale, le régime d'inspection des navires dans les ports égyptiens.

Ces mesures légitimes de self-defense perdraient toute efficacité s'il était loisible aux navires de commerce, en empruntant la nouvelle route maritime du Golfe d'El Akkaba, de transporter en toute liberté ces mêmes articles prohibés à Israël, devenu, à la suite d'une série de violations de l'accord d'armistice égypto-israélien du 24 février 1949, pays riverain du dit Golfe, où il possède présentement, à quelques kilomètres du port

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jordanien d'El Akkaba, un port nouveau en vole d'agrandissement dit 'Elath', à l'emplacement même de l'ex-village arabe d' 'Om Rachrach'.

Ce fait capital dans l'histoire du Golfe d'El Akkaba mérite d'être particulièrement souligné ici. Il oblige les autorités égyptiennes à redoubler de vigilance pour déjouer les maux qui pourraient en résulter pour la sécurité et l'ordre public de l'Égypte. Déjà depuis un certain temps le trafic maritime des stupéfiants à travers ce golfe, jadis paisible d'El Akkaba, a pris un essor alarmant et sans précédent, sous l'instigation précisément d'Israël, désireux de nuire à la santé physique et morale des populations des pays arabes voisins.

Ceci pour dire combien est difficile, en présence de ces faits nouveaux, la tâche des autorités égyptiennes tant pour ce qui concerne le Golfe d'El Akkaba qu'ailleurs. Cette tâche est rendue plus malaisée encore par les résistances rencontrées, allant comme dans le cas de l' 'Empire Roach', jusqu'à la méconnaissance des principes du droit international public et de la souveraineté même de l'État riverain. Pareilles résistances portent en outre atteinte au principe de l'égalité des États. Le Gouvernement Britannique ne tolérerait sans doute pas que ses autorités navales chargées de la surveillance de ses propres eaux territoriales, soient traitées, par les navires étrangers qui y pénètrent, de la manière dont s'est comporté l' 'Empire Roach' vis-à-vis du patrouilleur égyptien.

(viii) Extract from a speech in the House of Commons by the Foreign SECRETARY, MR. MORRISON, ON ANGLO-EGYPTIAN RELATIONS, 30 JULY 19511

I now turn to the Egyptian question. I should like first to pay tribute to the work of my predecessor,2 who laboured unflaggingly to place Anglo-Egyptian relations on a footing which will both preserve the best elements in the close relationship which has long linked our two countries and will, at the same time, take account of the realities of the dangerous situation in which the civilised world finds itself today.

That work I am anxious to carry on. He believed, and I also believe, that one of the cornerstones on which stability and security in the Middle East must rest is friendship and co-operation between us and Egypt in the various fields in which we have common interests. We are well aware of the difficulties which face the Egyptian Government and we have tried to approach our common problems with patience and the understanding of these difficulties. We know that the stand taken by Egypt has its roots deep in the past, and we have tried to take account of that fact. Unfortunately, our patience and understanding have not always been

¹ H.C. Deb. 5th ser. vol. 491, coll. 972-6.

² Mr. Morrison succeeded Mr. Ernest Bevin as Foreign Secretary on 9 March 1951.

reciprocated, and we are still faced with uncompromising insistence on

demands which bear no relation to present-day realities.

The problem of the presence of British troops in Egypt is not now a purely Anglo-Egyptian problem. We are a Power bearing responsibilities in the Middle East on behalf of the rest of the Commonwealth and the Western Allies as a whole. Egypt is in some respects the key to the Middle East. As history bears out, it is mere delusion to pretend that Egypt can stand aside in any major conflict. Situated as she is on the bridge between two continents and upon a vital link in the sea communications between the Eastern and Western hemispheres, she is an objective of first importance for any aggressive Power in the Eastern Mediterranean and the Levant.

The destinies and civilisation of our two countries are bound up together and it is unrealistic for Egypt to pretend that she can avoid danger by refusing to allow us to share in the defensive organization of the area. Moreover, she can no more stand alone in the defence of her own territory

than we can in the defence of our country.

I have confidence that should war be forced upon the free world the Egyptian people will, as in the past, join with us in resisting the aggressor, but the vital difference between us and the Egyptian Government is disagreement over the measures required to prepare to meet such an emergency. We know that without extensive preparations in time of peace our cause would be lost before the struggle began. Our task is to persuade the Egyptian Government to face this inescapable fact and to convince them of the dangers to them and to us all of neglecting such preparations.

In common with our North Atlantic and Commonwealth Allies, our own people have assumed a great burden in time of peace in order to make the world safe for those countries with whom we share a common heritage and civilisation. We invite Egypt's partnership as an equal in this common effort to make the world safe. We want to plan our relationship on an entirely new basis. If Egypt rejects that invitation, we cannot allow that to prejudice the fulfilment of our international responsibilities, but we shall not give up hope of persuading her to offer the spontaneous co-

operation which will make our task immeasurably easier.

Now for the Sudan. We are now discussing with the Egyptian Government the future of the Sudan. Here, again, we are faced with certain prejudices which prevent the Egyptian Government from approaching the problem in a realistic frame of mind. The Sudanese people, though mixed in race and religion, have advanced rapidly in the political, social and economic spheres to become a well-ordered, self-reliant community. Their mutual dependence on the waters of the Nile has linked the destinies of the Sudan inextricably with those of Egypt, and in due course we hope to see the Sudanese people choose that relationship with Egypt which best fulfils their needs. It is our aim that they should be brought as soon as

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possible to a stage of development in which they are able to exercise their choice in full freedom and consciousness of its implications.

We are only too anxious that Egypt should play her full and proper part with us in guiding the Sudanese along the path of political evolution. To insist, however, as certain Egyptians do, that there is no distinction between the Sudanese and Egyptians peoples is simply to ignore the facts, and such an attitude can only tend to increase the difficulty of obtaining the close and intimate association and understanding which we should be glad to see develop between them.

I now come to the Suez Canal. The House will share my regret that the Egyptian Government have not yet seen fit to modify their attitude over the restrictions which they continue to maintain in defiance of world opinion on the free passage of shipping in the Suez Canal. In common with the other great maritime Powers, we have done everything open to us through diplomatic channels to persuade the Egyptian Government of the injustice and unreasonableness of these restrictions and to induce them to put an end to them by spontaneous action.

Unfortunately our efforts have borne little fruit and the matter is now before the Security Council of the United Nations. It may be that the Security Council will find that, since the permanent armistice régime has been in uninterrupted operation between Egypt and Israel for well over two years, there is no reasonable ground for the continued discrimination against international shipping in the Canal or for the ban which prevents oil from the Persian Gulf from reaching the great Haifa refineries. This irresponsible action on the part of the Egyptian Government is causing at least as much damage and distress to innocent third parties as it is to the intended victims. It is intolerable that the maritime nations should be expected to suffer, apparently indefinitely, from an abusive practice which has neither practical nor moral justification.

Moreover, whatever the immediate purpose of these restrictions, their effect is to retard rather than advance the prospects of a peaceful settlement of differences between the Arab States and Israel, to which both parties are committed on their own declarations. All maritime Powers have responsibilities as well as interests, and Egypt especially so. I think that we have the right to expect that in her unique geographical position Egypt should set an example of international conduct rather than abuse this position to flout maritime tradition and international convention in the way she is doing in the Suez Canal and in the Gulf of Aqaba.

In connection with the 'Empire Roach' incident, I am glad to be able to inform the House that measures have been agreed upon between the Egyptian Government and ourselves to prevent the recurrence of incidents such as occurred recently in the case of the s.s. 'Empire Roach' in the entrance to the Gulf of Aqaba. These arrangements are, of course, without

prejudice to the claims of His Majesty's Government in respect of that incident, on which naturally we reserve full rights.

(ix) Extract from a speech in the Egyptian Parliament by the Minister for Foreign Affairs, Saläh ud-Din Pasha, replying to Mr. Morrison's speech of 30 July, 6 August 1951¹

When the British occupied Egypt they had nothing to do with The Sudan, but they took advantage of their occupation of Egypt and of their complete domination over her affairs to force the Egyptian Government to evacuate The Sudan, then force her to agree to a joint reconquest of The Sudan and then again force her to sign the two Agreements of 1899 for the joint administration of The Sudan. They did not claim then that The Sudan had a separate status or that they had responsibilities towards the Sudanese. On the contrary, they repeatedly affirmed that they were acting in The Sudan on behalf and in the interest of Egypt as illustrated by the Fashoda incident and by many of Lord Cromer's reports. Contrary to their declared policy they endeavoured through the Sudan Administration—dual in name but British in fact—to antagonise the Sudanese by various subterfuges and manœuvres against their Egyptian compatriots preparatory to separating The Sudan from Egypt and to isolate the Southern from the Northern areas of The Sudan as a prelude to separating the South from the North with the ultimate intention of colonising the whole of The Sudan, South and North alike. This intention was very clearly shown in 1924 when Britain took advantage of the assassination of the Sirdar and put Egypt bag and baggage out of The Sudan and went further with their aggression as to threaten interference with Egypt's Nile waters.

Now that national consciousness has awakened in Egypt and The Sudan, the British adopted new tactics to meet the new circumstances. They repeatedly declare their concern for the welfare of the Sudanese and demand that they should be consulted and be given self-government leading eventually to self-determination.

It can be seen, therefore, that when Egypt in the early days of occupation could not question their actions, they made use of Egypt's name and of acting on her behalf to dominate The Sudan. When we demanded the independence of Egypt and The Sudan, the pretext of acting in the name of Egypt became of no use to them. They had to turn to another pretext which was this time that they speak in the name of the Sudanese and defend their interests. It is obvious that the two pretexts are contradictory for indeed there is a great difference between administering The Sudan in the name of the Egyptians and demanding from Egyptians in the name of

Egypt: Ministry of Foreign Affairs: Records of Conversations, Notes and Papers exchanged between the Royal Egyptian Government and the United Kingdom Government (March 1950-November 1951) (Cairo, 1951) (hereafter referred to as Egyptian Green Book), pp. 141-4, 148.

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the Sudanese that The Sudan should ultimately have the right of self-determination.

May we ask who authorised the British to speak in the name of the Sudanese and who asked them to shoulder the responsibilities they claim in The Sudan? What historical, legal or moral right have they to interfere between Egyptians and their compatriots the Sudanese who have been united from time immemorial by the Nile, by geographical and economic

unity and by ties of race, language and religion?

The fact of the matter is that the British never had Egypt's interest at heart when they acknowledged that they administered The Sudan in Egypt's name and on her behalf, nor do they have now the interest of The Sudan at heart when they claim that they are endeavouring to give it self-government and self-determination. But it is a subterfuge to continue their administration of The Sudan for as long as possible so that they would have the opportunity of independent action under cover of the will of the Sudanese.

This is borne out by the fact that their repeated talk of self-government has resulted in an effete Legislative Assembly shorn of all authority whereas Egypt wanted The Sudan to have a truly representative Legislative

Assembly endowed with considerable powers.

Now, that the British have been obliged to admit Egypt's point of view that the powers of the Legislative Assembly fall short of the representative system which the Sudanese deserve, we find that they retain for themselves in the amendment projects various powers in the form of a right of veto to be vested in the Governor-General, when this right should belong—within limits to be agreed upon—to His Majesty the King of Egypt who appoints the Governor-General.

Furthermore, if we ask the British about the period after which The Sudan may enjoy real self-government, they estimate it between 15 and 20 years, while Egypt maintains that The Sudan should have self-government within two years basing her estimate on the Resolution of the United Nations General Assembly in regard to Libya, for indeed, The Sudan is

no less deserving of self-government than Libya.

The British pretension as regard to the will of the Sudanese is obviously false. If they truly respect this will, they would comply with the unanimous demand of the Sudanese for the termination of the present regime in The Sudan and the evacuation of British forces therefrom. As for Egypt, the British themselves do not deny that a great part of the Sudanese—who constitute in fact the overwhelming majority—demand unity with Egypt under the Egyptian Crown. Were it not for the British and their manœuvres in The Sudan, the Sudanese would by now have achieved real self-government within the framework of this unity interpreted by a common army, currency and foreign policy.

I presume that our compatriots the Sudanese will grasp this as well as the fact that the pretext made at present by the British to differentiate between Egypt and The Sudan preparatory to separating The Sudan from Egypt, will—if the manœuvre succeeds—be used as a weapon by the British for separating the South of The Sudan from the North.

Let our compatriots in the South beware of this double danger, let them unite to avoid it and let them agree to say to the British get out and leave us alone with out Egyptian compatriots to arrange our own house away

from the wily designs of the intruder.

These are the points of difference between the Egyptian and British Governments regarding evacuation and The Sudan. The dispute inevit-

ably involves another dispute as to the 1936 Treaty.

The British maintain the 1936 Treaty and claim that we cannot unilaterally have it denounced for it enables them to continue their occupation of Egypt and their manœuvres in The Sudan. As for Egypt, she will not allow the 1936 Treaty to stand in the way of her sovereignty, independence and unity with The Sudan.

The British rely for justification of their attitude in regard to this Treaty on the sanctity of treaties and forget or rather feign to forget that the Resolution of the Security Council of 14th April, 1946, in connection with the Soviet-Iranian dispute is definite in that the presence of foreign troops on the territory of any state deprives this state of the freedom of choice in

negotiations.

On the other hand the 1936 Treaty violates the sanctity of two important international treaties more worthy of respect, namely the agreement of Constantinople concluded on 29th October, 1888, and the United Nations' Charter of 26th June 1945. The former precedes while the latter follows and the 1936 Treaty stands in between as an infidel between two devout worshippers. It constitutes in toto and in detail a flagrant violation of the multilateral agreement of Constantinople whose sole objective and motive had been to establish complete equality between all signatory countries with the exception of the country within whose territory the Suez Canal lies as regards navigation in the Canal and measures and arrangements consequent thereupon. It also constitutes a flagrant violation of the United Nations Charter as already explained. What sanctity can, therefore, be expected for a treaty concluded under pressure of occupation and is furthermore a standing violation of the sanctity of other pacts and treaties?

The Egyptian Government were within their international right when they promised the abrogation of the 1936 Treaty in the last speech from the Throne. They shall—God willing—fulfil their promise of abrogating this Treaty before the next speech from the Throne.

In his statement before the Commons, Mr. Morrison gave special attention to conditions prevailing in the Middle East as a result of the

dispute between the Arabs and Israel since this is closely connected with the restrictions imposed by Egypt on navigation in the Suez Canal. I would like to place on record in this connection that the British Foreign Secretary has fully admitted the failure of British policy in Palestine but he attributed that failure to inability to find a settlement acceptable to both Arabs and Jews. He said both sides were to blame for this. In fact Mr. Morrison was more severe with the Arabs, his severity amounting to a threat. He blamed the Arabs because they seemed unwilling or unable to accept the plain fact that Israel has come to stay and cannot be swept into the Mediterranean. But he forgot one thing in his unjust blame, that is, the prime author responsible before any one else, for all the confusion and chaos at present prevailing in the Middle East. This prime author, the whole world knows is no one else but Great Britain.

It seems that the British have a dislike to history and prefer to forget all about it, for their past abounds in ruthlessness and injustice. But the oppressed, like ourselves, cannot possibly forget or ignore history, since it establishes the innocence of the lamb accused of aggression by the wolf.... And now what is the situation vis-à-vis the British?

I will give you a short account of this situation. The British Secretary for Foreign Affairs has closed the door on current talks between the two Governments in his recent statement before the Commons. As to subsequent steps to be taken, the Ministerial Political Committee presided over by His Excellency the Prime Minister will decide on these steps in the next few days. The matter will then be submitted to the Council of Ministers for final approval. We will then refer to you before the present parliamentary session is prorogued to acquaint you with the full facts. We shall then discuss with you what we shall do for the realisation of the national objectives unanimously agreed upon by the Egyptian and Sudanese people with a view to redeeming the definite pledge given by the Government in the last Speech from the Throne.

- (x) Exchange of notes between Mr. Morrison and the Egyptian Prime Minister, Mustafa an-Nahhās Pasha, regarding Mr. Morrison's speech of 30 July 1951
 - (a) Message from Mr. Morrison to Nahhās Pasha, 17 August 19512

As I am leaving this week for a short holiday, I want to take this opportunity to send Your Excellency this personal message. I am concerned that while I am away, something might be said or done which might close the door conclusively to further talks between our two Governments about defence questions and The Sudan. I have no intention nor have His Majesty's Government any intention of saying or doing anything which

See above, p. 437.

might make further talks impossible. On the contrary I am urgently considering a definite new approach to the solution of the defence question and I intend to give this further thought while I am away. I feel confident that Your Excellency meanwhile would not wish that on your side anything should be done at this juncture which might prejudice the possibility of reaching a settlement satisfactory to both sides.

(b) Nahhās Pasha's reply, 26 August 19511

J'ai remis aujourd'hui, 26 Août 1951, à S.E. l'Ambassadeur de Grande-Bretagne ma réponse à sa note du 8 Août et à sa lettre personnelle du lendemain.²

Dans ma réponse, j'ai exposé les raisons pour lesquelles le Gouvernement Égyptien a considéré que le discours prononcé par Votre Excellence le 30 Juillet 1951 à la Chambre des Communes a fermé la porte aux entretiens en cours entre nos deux Gouvernements. Cependant, le message personnel de Votre Excellence, remis au Ministère Égyptien des Affaires Etrangères le 17 Août, comportait un élément nouveau, à savoir que vous examiniez d'urgence un nouveau projet définitif pour parvenir à une solution de la question de la défense.

Vous n'ignorez pas toutesois que l'évacuation des forces Britanniques n'est que la moitié de la cause Égyptienne, que l'unité de l'Égypte et du Soudan sous la Couronne Égyptienne en est l'autre et que ces deux parties constituent un tout indivisible. Or les bases sur lesquelles le discours de Votre Excellence a été fondé en ce qui concerne le Soudan sont en elles-mêmes suffisantes pour fermer la porte aux entretiens. De ce côté donc, la situation n'a changé en rien après votre message personnel, surtout si les propositions promises relativement à l'évacuation étaient fondées sur les bases et orientations rapportées dans votre discours à la Chambre des Communes.

Néanmoins, rien n'équivaudrait à mon contentement si vos susdites propositions me parvenaient en temps opportun et si le Gouvernement Égyptien y trouvait les indices pratiques du respect des droits nationaux de l'Égypte qui l'inciteraient à reconsidérer la situation et modifier ses plans.

(xi) Security Council resolution calling on Egypt to end its restrictions on the passage of shipping through the Suez Canal, I September 1951³

The Security Council

1. Recalling that in its resolution of 11 August 1949 relating to the conclusion of Armistice Agreements between Israel and the neighbouring

¹ Egyptian Green Book, p. 163.

³ S/2298/Rev. 1, 15 August 1951.

² Ibid. pp. 150 and 161-2.

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Arab States it drew attention to the pledges in these Agreements against further acts of hostility between the parties;

- 2. Recalling further that in its resolution of 17 November 1950 it reminded the States concerned that the Armistice Agreements to which they are parties contemplate the return of permanent peace in Palestine, and therefore urged them and other States in the area to take all such steps as will lead to the settlement of the issues between them;
- 3. Noting the report of the Chief of Staff of the Truce Supervision Organization to the Security Council of 12 June 1951;1
- 4. Further noting that the Chief of Staff of the Truce Supervision Organization recalled the statement of the senior Egyptian delegate in Rhodes on 13 January 1949, to the effect that his delegation was inspired 'with every spirit of co-operation, conciliation, and a sincere desire to restore peace in Palestine,' and that the Egyptian Government have not complied with the earnest plea of the Chief of Staff made to the Egyptian delegate on 12 June 1951, that they desist from the present practice of interfering with the passage through the Suez Canal of goods destined for Israel;
- 5. Considering that since the Armistice regime which has been in existence for nearly two and a half years is of a permanent character, neither party can reasonably assert that it is actively a belligerent or requires to exercise the right of visit, search, and seizure for any legitimate purpose of self-defence;
- 6. Finds that the maintenance of the practice mentioned in paragraph 4 above is inconsistent with the objectives of a peaceful settlement between the parties and the establishment of a permanent peace in Palestine set forth in the Armistice Agreement;
- 7. Finds further that such practice is an abuse of the exercise of the right of visit, search and seizure;
- 8. Further finds that that practice cannot in the prevailing circumstances be justified on the grounds that it is necessary for self-defence;
- 9. And further noting that the restrictions on the passage of goods through the Suez Canal to Israeli ports are denying to nations at no time connected with the conflict in Palestine valuable supplies required for their economic reconstruction, and that these restrictions together with sanctions applied by Egypt to certain ships which have visited Israeli ports represent unjustified interference with the rights of nations to navigate the seas and to trade freely with one another, including the Arab States and Israel;
- 10. Calls upon Egypt to terminate the restrictions on the passage of international commercial shipping and goods through the Suez Canal wherever bound and to cease all interference with such shipping beyond that essential to the safety of shipping in the Canal itself and to the observance of the international conventions in force.

- (xii) Draft Bills presented to the Egyptian Parliament by the Prime Minister, 8 October 1951¹
- (a) Bill abrogating the Anglo-Egyptian Treaty of 1936 and the Sudan Condominium Agreements of 1899

We Farouk I King of Egypt.

Upon what has been submitted to us by the Council of Ministers.

We order the following:-

The following draft law is to be submitted in Our name to Parliament:—Article I.—Law No. 80, 1936, ratifying the Treaty of Friendship and Alliance between Egypt and Great Britain and which was signed in London on August 26, 1936, shall be rescinded. Thus, the provisions of this Treaty and the agreement attached thereto concerning exemptions and privileges enjoyed by the British Forces stationed in the Kingdom of Egypt, as well as the provisions of the Condominium Agreements of January 19 and July 10, 1899, regarding the administration of The Sudan shall cease to be operative.

Article II.—Law No. 13 and Law No. 24, 1941, relative to exemptions

and privileges referred to in the preceding Article are abrogated.

Article III.—Our Ministers are hereby charged with the execution of this law, each in so far as he is concerned and with taking the necessary measures in this respect.

It will become operative as from the date of its publication in the

'Journal Officiel.'

Issued at Montazah Palace on Al-Moharram 6, 1371 (October 7, 1951).

FAROUK.

(b) Bill inviting Parliament to amend the Constitution

We Farouk I King of Egypt.

After taking cognisance of Royal Decree No. 42, 1923, setting up a constitutional regime for the Egyptian state and of Articles 156 and 157 of the Constitution; and upon what has been submitted to us by the Council of Ministers.

We order the following:—

Article I.—Parliament is invited to consider amending Articles 159 and 160 of the Constitution to decide the constitutional position of The Sudan and to define the title of the King.

Article II.—The President of our Council of Ministers is hereby charged

with the execution of this decree.

(c) Bill providing that the King shall be entitled King of Egypt and of the Sudan We Farouk I King of Egypt.

After taking cognisance of Royal Decree No. 42, 1923, setting up a constitutional regime for the Egyptian State; of Articles 156 and 157 of the Constitution; of the decree issued on October 7, 1951, proposing the amendment of some provisions of the Constitution; and of the two decisions of Parliament approving the necessity of such amendment and the subject matter thereof.

We order the following:-

The following draft law is to be submitted in Our name to Parliament:— Article I.—Article 159 of the Constitution shall be cancelled and the following substituted:—

The provisions of this Constitution shall apply to all the Egyptian Kingdom. Although Egypt and The Sudan are one nation, the regime of rule in The Sudan shall be defined by a special law.

Article II.—Article 160 of the Constitution shall be cancelled and the following substituted:—

'The King shall be titled King of Egypt and The Sudan.'

Article III.—The President of the Council of Ministers and the Minister of Justice are hereby charged with the execution of this law which will become operative as from the date of its publication in the 'Journal Officiel.'

(d) Bill providing for a special Constitution for the Sudan

We Farouk I, King of Egypt and The Sudan.

After taking cognisance of Law No. —, 1951, abrogating the Treaty of August 26, 1936, and its annexes and also abrogating the Condominium Agreements of January 19 and July 10, 1899, concerning the administration of The Sudan and also after taking cognisance of Article 159 of Royal Order No. 42, 1923, setting up a constitutional regime for the State of Egypt, amended by Law No. —, 1951.

And upon what has been submitted to us by the Council of Ministers. We order the following:—

The following draft law is to be submitted in Our name to Parliament:— Article I.—The Sudan shall have a special Constitution to be drawn up by a Constituent Assembly representing the inhabitants of The Sudan and shall be enforced as soon as sanctioned and promulgated by the King. The Constituent Assembly will also draw up an electoral law to become operative in The Sudan after its ratification and promulgation.

Article II.—The rules and procedures of the Constituent Assembly shall be defined in a decree.

Article III.—The Constitution referred to in Article I shall contain the following fundamental rules:—

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(a) The establishment of democratic and representative rule in the country, whether the representative body consists of one Chamber or two. One of the two Chambers at least shall be entirely elective.

The King's prerogative to dissolve the representative body or the elected Chamber only, if the representative body is composed of two Chambers, a new general election shall be held within a short interval of time to ensure the continuance of parliamentary control over the executive authority.

(b) The separation of the legislative, executive and judicial authorities.

(c) The establishment of a Council of Ministers composed of Sudanese. The King ruling through his Ministers and having the right to appoint and dismiss his Ministers. The Ministers being jointly responsible to Parliament or to the elected Chamber, at least for the general policy of the Cabinet and each for his Ministry.

(d) The participation of the representative body with the King in practising the legislative authority including the introduction of legislation. Issuing of laws to be subject to approval by Parliament and sanction

by the King.

The prior approval by the representative body of the levying of new taxes, their modification or abolition, floating of loans and the annual budget.

(e) The guarantee of the independence of the judiciary authorities at

all levels.

(f) The guarantee within the limits of the law of the rights of individuals, public and personal liberties, liberty of belief, freedom of opinion, liberty of the Press, liberty of meetings and of association.

Article IV.—As an exception to the provisions of the preceding Articles, Foreign Affairs and matters of Defence, the Army and Currency, shall be exercised by the King throughout the country within the limits of Royal Order No. 42, 1923, establishing a constitutional government in the State of Egypt.

Article V.—The President of our Council of Ministers is hereby charged

with the execution of this law.

(xiii) British proposals on the Sudan, 13 October 19511

1. His Majesty's Government do not agree that the defence of the Middle East and the Sudan question are in any way connected. Nevertheless, they have given careful consideration to the possibility of meeting the views of the Egyptian Government on the Sudan and are now prepared to make the suggestions which follow:

¹ Anglo-Egyptian Conversations, pp. 45-46. For the four-Power proposals on defence, presented to Egypt on the same date see above, p. 425.

- 2. His Majesty's Government would be glad if the Egyptian Government would give most careful consideration to the suggestions, with a view to discussing them fully with His Majesty's Government in order that the two Governments may examine together their detailed application.
- 3. It is pointed out that not only do these suggestions represent great care on the part of His Majesty's Government to understand and meet the Egyptian point of view, but also they appear to be the only way to provide adequate safeguards for Egyptian interests in the Sudan.
 - 4. The proposals are:—
 - (a) An international commission to reside in the Sudan, watching over the constitutional development of the country and tendering advice to the Co-domini.
 - (b) A joint Anglo-Egyptian statement of common principles with regard to the Sudan.
 - (c) An international guarantee of the Nile Waters Agreements.
 - (d) The establishment of a Nile Waters development authority to develop the Nile, possibly with assistance from the International Bank.
 - (e) An agreed date to be fixed for the attainment of self-government by the Sudanese as a first step on the way to the choice by the Sudanese of their final status.

ANNEX I

Statement of Principles

- 1. In view of the dependence of both Egypt and the Sudan on the waters of the Nile and in order to ensure the fullest co-operation in expanding the supplies available and in sharing them, it is essential that the friendliest relations should link the two peoples.
- 2. It is the common aim of Egypt and Great Britain to enable the people of the Sudan to attain full self-government as soon as practicable and thereafter to choose freely for themselves their form of government and the relationship with Egypt that will best meet their needs as they then exist.
- 3. In view of the wide differences of culture, race, religion and political development existing among the Sudanese, the process of attaining full self-government requires the co-operation of Egypt and the United Kingdom with the Sudanese.
- 4. The two Governments therefore propose to set up an International Commission, to reside in the Sudan, in order to watch over the constitutional development of the country and to tender advice to the Co-domini.

ANNEX II

1. The International Commission would have no right to interfere in the day-to-day administration of the Sudan. The exact composition of the commission would be for negotiation, but might consist of both Co-domini and, if they would agree, the United States Government. Sudanese agreement would have to be obtained in due course to the setting up of such a commission, and Sudanese participation would not be excluded.

2. As regards fixing a date for self-government, it is suggested that a date might be agreed upon on the basis of the report of the Constitutional

Commission now at work in the Sudan.

3. It is true that the Ashigga Party have refused to take part in the work of the Constitutional Commission. In spite of their non-participation, however, the report of the Constitutional Commission may be taken to be broadly representative of political thought in the Sudan. Nevertheless, in the normal course of development, there will be a period between the attainment of self-government and the determination of the Sudan's final status and relationship with Egypt, during which all political factions would have an opportunity to influence the future of the Sudan by normal democratic means.

(xiv) Statement by the United States Secretary of State, Mr. Acheson, regretting Egypt's rejection of the four-Power defence proposals and abrogation of the Anglo-Egyptian Treaty, 17

October 1951¹

It is with genuine regret that the U.S. Government received notification on October 15 of the rejection by the Egyptian Government of the proposals presented to it on October 13 by the United States, France, Turkey, and the United Kingdom.² This Government has noted with surprise that the Egyptian Government rejected proposals of such importance without having given them the careful and considered deliberation which they merited. These proposals were formulated by the nations interested in the welfare and security of the Middle East after the most intensive and thorough consideration of the special problems of the area. The invitation to join with the other sovereign nations of the free world in a joint and cooperative effort to make the world safe from aggression was wholly consistent with the independence and sovereignty of Egypt.

Vigilance in protecting the liberties we enjoy is the responsibility of every nation of the free world. The spirit of responsibility to others requires that no nation carelessly precipitate events which can have no constructive end but which by their nature create those elements of confusion and weakness which tempt aggression. It is the hope of the U.S. Government that Egypt will carefully reconsider the course of action on which it has embarked and will recognize that its own interest will be served by joining

Department of State Bulletin, 29 October 1951, pp. 702-3.

² See above, p. 425.

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the other nations of the free world in assuring the defense of the Middle East against the common danger.

The U.S. Government must reaffirm its belief that the action of the Egyptian Government with respect to the Anglo-Egyptian Treaty of 1936 and the agreements of 1899 regarding the Sudan is not in accord with proper respect for international obligations. For its part, the U.S. Government considers the action of the Egyptian Government to be without validity.

It is the sincere hope of the United States that great restraint will be shown in the present situation and that the obligation of all nations towards the preservation of world law and order will be respected.

(xv) Statement in the House of Commons by the Foreign Secretary, Mr. Eden, on the disturbances in the Suez Canal Zone and on the Cairo riots, 29 January 1952¹

From the earliest days of the tension in the Canal Zone His Majesty's Forces in that area have at all times done their utmost to avoid conflict with the Egyptian authorities. The increase of terrorist activities, however, supported in many cases by detachments of the auxiliary Egyptian police, compelled His Majesty's Government to act if the security of the Canal Zone of the British base and of our forces themselves was to be preserved.

I wish to give the House some account of the nature and activities of these auxiliary police. This force was not introduced into the Canal Zone until after the late Egyptian Government² had denounced the Anglo-Egyptian Treaty of 1936 in October last. It was supposed to be charged with the task of assisting the regular police to preserve law and order. In fact, its energies were mainly directed to intimidating Egyptian labour employed by His Majesty's Forces, and later to conniving at and taking part in terrorist activities against our forces, many of which resulted in the deaths of British soldiers.

Urgent representations were made to the Egyptian authorities on several occasions both by His Majesty's Ambassador in Cairo and by the British military authorities in the Canal Zone about the activities of these auxiliary police. His Majesty's Embassy addressed four written notes about this to the Egyptian Government; on 24th November, on 5th December, on 15th December and on 19th January. On at least four occasions also His Majesty's Ambassador made oral representations to Egyptian Ministers, and General Erskine several times brought these activities to the attention of the local Egyptian authorities. We urged that

¹ H.C. Deb. 5th ser. vol. 495, coll. 34-36.

² The Wasd Government under Nahhäs Pasha, which was dismissed on 27 January 1952.

these companies, which had never previously been armed with rifles but only with staves, should be disarmed or withdrawn.

The late Egyptian Government paid no heed to these representations. It is on the contrary only too clear that so far from wishing to prevent armed clashes with the British Forces, they were actively concerned to provoke them. This produced a critical situation at Ismailia in view of the military measures which had to be taken there to round up the terrorists. The British Commander, therefore, had no alternative but to disarm the auxiliary police. The latter had explicit instructions from the then Egyptian Government to resist, and consequently General Erskine had no option but to use force. In this, and indeed throughout, he had full authority and support from His Majesty's Government.

In the course of the action which followed one officer and three other ranks of His Majesty's Forces lost their lives and 13 others were wounded. Unconfirmed figures of Egyptian casualties are 42 killed and 58 wounded. This tragic event, which we all deplore, has brought sorrow to many homes, both in Britain and Egypt. It has, however, done nothing to diminish the ability and determination of His Majesty's Government to maintain their rights under the Treaty of 1936 until such time as a new agreement to replace that Treaty can be reached.

On Saturday last a serious outbreak of rioting took place in Cairo. I deeply regret to have to inform the House that in the course of these riots at least eight British lives were lost, including that of the Canadian Trade Commissioner in Cairo. I am sure the House will wish me to express its profound sympathy with their relatives no less than with those of the British soldiers who lost their lives. At the same time, the House will wish me to express a sense of horror at the atrocities which the former Egyptian Government was unable to prevent and which were the direct consequence of their policy of inciting the population to acts of violence.

I regret also to have to report that very considerable damage was done during these riots to British and other foreign property in Cairo. Order was restored only after the Egyptian Army had been called upon to intervene. His Majesty's Ambassador addressed a Note to the Egyptian Government on the 27th January, informing them on behalf of His Majesty's Government in Canada and in the United Kingdom that the Egyptian Government will be held fully responsible for all loss of life and property, and that the rights of His Majesty's Governments in that connection are fully reserved.

Meanwhile I take note that the new Egyptian Prime Minister¹ has declared that his Government's first task will be the restoration of law and order and the protection of life and property, foreign as well as Egyptian.

C. PERSIA

1. Nationalization of the oil industry

(i) Supplemental Agreement between the Persian Government and the Anglo-Iranian Oil Company, Limited, Tehrān, 17 July 1949¹

Whereas on 29th April, 1933, an Agreement (herein called 'the Principal Agreement') was entered into between the Imperial Government of Persia (now known as 'the Imperial Iranian Government') of the one part and the Anglo-Persian Oil Company, Limited (now known as the 'Anglo-Iranian Oil Company, Limited') of the other part which established a Concession for the regulation of the relations between the two parties above mentioned²

And whereas the Government and the Company have after full and friendly discussion agreed that in view of the changes in economic conditions brought about by the World War of 1939–1945 the financial benefits accruing to the Government under the Principal Agreement should be increased to the extent and in the manner hereinafter appearing

And whereas for this purpose the parties have agreed to enter into a

Supplemental Agreement:—

Now it is hereby agreed between the Imperial Iranian Government and the Anglo-Iranian Oil Company, Limited, as follows:—

- 1. This Agreement is supplemental to and shall be read with the Principal Agreement.
- 2. Any of the terms used herein which have been defined in the Principal Agreement shall have the same meaning as in the Principal Agreement, save that, for the purposes of this Agreement, all references in the Principal Agreement to Persia, Persian, the Imperial Government of Persia and the Anglo-Persian Oil Company, Limited, shall be read as references to Iran, Iranian, the Imperial Iranian Government and the Anglo-Iranian Oil Company, Limited, respectively and the references to the Permanent Court of International Justice shall be read as references to the International Court of Justice established by the United Nations.
- 3.—(a) In respect of the calendar year ended 31st December, 1948, and thereafter, the rate of the annual royalty payable to the Government under sub-clause (I) (a) of Article 10 of the Principal Agreement shall be increased from four shillings to six shillings per ton of petroleum sold for consumption in Iran or exported from Iran.
- (b) The Company shall within a period of thirty days from the date of coming into force of this Agreement, pay to the Government the sum of

Great Britain: Foreign Office: Correspondence between His Majesty's Government in the United Kingdom and the Persian Government and Related Documents concerning the Oil Industry in Persia, February 1951 to September 1951 (Cmd. 8425) (London, H.M.S.O., 1951), pp. 19-22.

Ibid. pp. 9-19.

three million three hundred and sixty-four thousand four hundred and fifty-nine pounds sterling (£3,364,459), as a retrospective application to cover the calendar year ended 31st December, 1948, of the modification introduced by sub-clause (a) of this Clause 3, taking into account the provisions of sub-clause (V) (a) of Article 10 of the Principal Agreement.

4.—(a) In order that the Government may receive a greater and more certain and more immediate benefit in respect of amounts placed to the General Reserve of the Anglo-Iranian Oil Company, Limited, than that provided by sub-clause (I) (b) and sub-clause (III) (a) of Article 10 of the Principal Agreement, the Company shall pay to the Government in respect of each amount placed to the General Reserve of the Anglo-Iranian Oil Company, Limited, in respect of each financial period for which the accounts of that company are made up (starting with the financial period ended 31st December, 1948) a sum equal to twenty per cent (20%) of a figure to be arrived at by increasing the amount placed to General Reserve (as shown by the published accounts for the financial period in question) in the same proportion as twenty shillings sterling (s.20/-) bear the difference between twenty shillings sterling (s.20/-) and the Standard Rate of British Income Tax in force at the relevant date.

The relevant date shall be the date of the final distribution to the Ordinary Stockholders in respect of the financial period in question, or, in the event of there being no such final distribution, a date one calendar month after the date of the Annual General Meeting at which the accounts in question were presented.

Examples of the implementation of the principle set out in this subclause (a) have been agreed between the parties hereto and are set out in

the Schedule to this Agreement.

(b) If in respect of any financial period for which the accounts of the Anglo-Iranian Oil Company, Limited, are made up (starting with the financial period ended 31st December, 1948) the total amount payable by the Company to the Government under sub-clause (a) of this Clause 4 and sub-clause (I) (b) of Article 10 of the Principal Agreement shall be less than four million pounds sterling (£4,000,000) the Company shall pay to the Government the difference between the said total amount and four million pounds sterling (£4,000,000). Provided, however, that if during any such financial period the Company shall have ceased, owing to events outside its control, to export petroleum from Iran, the amount payable by the Company in respect of such period in accordance with the foregoing provisions of this sub-clause (b) shall be reduced by a sum which bears the same proportion to such amount as the period of such cessation bears to such financial period.

(c) Any sum due to the Government in respect of any financial period

under sub-clause (a) or sub-clause (b) of this Clause 4 shall be paid on the relevant date appropriate to that financial period.

- (d) The provisions of Clause (V) of Article 10 of the Principal Agreement shall not apply to any payments made by the Company to the Government in accordance with sub-clause (a) or sub-clause (b) of this Clause 4.
- 5.—(a) In respect of the sum of fourteen million pounds sterling (£14,000,000) shown in the Balance Sheet of the Anglo-Iranian Oil Company, Limited, dated 31st December, 1947, as constituting the General Reserve of that company, the Company shall, within a period of thirty days from the date of coming into force of this Agreement, pay to the Government the sum of five million and ninety thousand nine hundred and nine pounds sterling (£5,090,909).
- (b) The provisions of Clause (V) of Article 10 of the Principal Agreement shall not apply to the payment to be made by the Company in accordance with sub-clause (a) of this Clause 5.
- 6. The payments to be made by the Company under Clauses 4 and 5 of this Agreement shall be in lieu of and in substitution for—
 - (i) any payments to the Government under sub-clause (I) (b) of Article 10 of the Principal Agreement in respect of any distribution relating to the General Reserve of the Company, and
 - (ii) any payment which might become payable by the Company to the Government in respect of the General Reserve under sub-clause (III) (a) of Article 10 of the Principal Agreement on the expiration of the Concession or in the case of surrender by the Company under Article 25 of the Principal Agreement.
- 7.—(a) In respect of the calendar year ended 31st December, 1948, and thereafter, the rate of payment to be made by the Company to the Government in accordance with sub-clause (I) (c) of Article 11 of the Principal Agreement which relates to the payment to be made in respect of the excess over 6,000,000 tons shall be increased from ninepence to one shilling.
- (b) The Company shall, within a period of thirty days from the date of coming into force of this Agreement, pay to the Government the sum of three hundred and twelve thousand nine hundred pounds sterling (£312,900), as a retrospective application to cover the calendar year ended 31st December, 1948, of the modification introduced by sub-clause (a) of this Clause 7, taking into account the provisions of sub-clause (V) of Article 10 of the Principal Agreement.
- 8.—(a) At the end of sub-clause (a) of Article 19 of the Principal Agreement there shall be added a paragraph in the following terms: 'If at any time either party shall consider that either Roumanian prices or Gulf of Mexico prices no longer provide suitable standards for fixing "basic prices,"

then the "basic prices" shall be determined by mutual agreement of the parties, or in default of such agreement by arbitration under the provisions of Article 22. The "basic prices" so determined shall become binding on both parties by an agreement effected by exchange of letters between the Government (which shall have full capacity to enter into such an agreement) and the Company.'

- (b) As from 1st June, 1949, the prices at which the Company shall sell motor spirit, kerosene and fuel oil, produced from Iranian petroleum to consumers other than the Government for internal consumption in Iran, shall be the basic prices with a deduction of twenty-five per cent. (25%), instead of a deduction of ten per cent (10%) as provided in sub-clause (b) of Article 19 of the Principal Agreement.
- 9. In consideration of the payment of the above sums by the Company the Government and the Company agree that all their obligations one to another accrued up to 31st December, 1948, in respect of sub-clause 1 (a) and sub-clause 1 (b) of Article 10 and in respect of Article 11 of the Principal Agreement and also in respect of the General Reserve have been fully discharged.
- 10. Subject to the provisions of this Agreement, the provisions of the Principal Agreement shall remain in full force and effect.
- 11. This Agreement shall come into force after ratification by the Majlis and on the date of its promulgation by Decree of His Imperial Majesty the Shah. The Government undertakes to submit this Agreement, as soon as possible, for ratification by the Majlis.

Examples of the Implementation of the Principle set out in Sub-clause (a) of Clause 4 of the Within Written Agreement on the Assumption that £1,000,000 is Placed to General Reserve

					Example I	Example II	Example III
1. Standard Rate of British Income Tax					10s. in the £1	9s. in the £1	5s. in the £1
2. Amount placed to General Reserve as shown					~	~	5
by the published accounts for the financial							
period in question					€1,000,000	£1,000,000	£1,000,000
3. The ab	ove amount	is increas	ed as f	ollows:			~ ,,
	Standard						
A	Rate	\boldsymbol{B}	Propor-				
'Twenty	enty of British tionate						
Shillings	Income	Differ-	Increase				
sterling'	Tax	ence	\boldsymbol{A}	\boldsymbol{B}			
205.	ios.	Ios.	20	10	£2,000,000		
205.	∂v .	IIS.	20	11	• •	£1,818,182	
201.	5s.	155.	20	15	••	••	£1,333,333
4. The 'su	ım equal to	20%' wh	ich is t	herefore			
•	e to the Iran			£400,000	£363,636	£266,667	

Made at Tehran the 17th July, one thousand nine hundred and fortynine.

For the Imperial Iranian Government:

A. Q. Gulshayan.

For and on behalf of the Anglo-Iranian Oil Company, Limited:

N. A. Gass.

(ii) Statement in the House of Commons by Mr. Ernest Davies, Under-Secretary of State for Foreign Affairs, on the British Government's interest in the negotiations between the Persian Government and the Anglo-Iranian Oil Company, 21 February 1951¹

Mr. Thomas Reid asked the Secretary of State for Foreign Affairs if he can make a statement about the negotiations between the Government of Iran and the Anglo-Iranian Oil Company.

Mr. Ernest Davies: I presume my hon. Friend is referring to the negotiations in regard to the supplemental oil agreement which was signed by the company and the Persian Government in July, 1949. The agreement was recently presented for ratification to the Persian Parliament which referred it to its oil commission which, after reporting unfavourably on it in general terms, has now been instructed to review the position further.

His Majesty's Government cannot be indifferent to the affairs of this important British interest. The company's present concession is valid until 1993, and His Majesty's Government are confident that Persia will honour her agreement. As to the supplemental oil agreement, His Majesty's Government regard it as fair and reasonable. But, as the matter is under review in Persia, I cannot say more at present except to express the hope that a satisfactory conclusion will soon be reached.

- (iii) Exchange of notes between the British and Persian Governments on the proposed nationalization of the oil industry
- (a) Note from Sir Francis Shepherd, British Ambassador in Tehrān, to M. Husain 'Alā, Persian Prime Minister, 14 March 1951²

Your Excellency,

As your Excellency is aware, His Majesty's Government in the United Kingdom attach the highest importance to relations of friendship and confidence in all matters between the people and Government of Iran and those of the United Kingdom; and His Majesty's Government have followed

¹ H.C. Deb. 5th ser. vol. 484, coll. 1261-2.

² Cmd. 8425, pp. 25-27.

with friendly interest the plans of the Imperial Government to secure administrative reforms and to provide for the improvement of the standards of living of the Iranian people. They had therefore noted with satisfaction the conclusion of an agreement in 1949 between the Imperial Government and the Anglo-Iranian Oil Company for an increase in the annual payments to the Iranian Government, an agreement which would have secured for the Imperial Government a more advantageous return per ton of oil than that enjoyed by any other Government in the Middle East and which would have enabled the Imperial Government to proceed with its plans.

His Majesty's Government were correspondingly disappointed that this agreement could not be put into force owing to the difficulties and delays experienced by the Imperial Government in seeking its ratification by the Majlis; but meanwhile, as your Excellency is also aware, His Majesty's Government had for some time past been considering in what way the Imperial Government could be assisted in their consequent financial difficulties. It was accordingly gratifying to His Majesty's Government to know that the Anglo-Iranian Oil Company had recently voluntarily offered, in spite of the withdrawal from the Majlis of the Supplemental Agreement, to make advances of royalties to the Imperial Government as a result of which the total payments to that Government in 1951 will be some £28½ million. This sum is considerably in excess of the total payments which might have been expected during the same period under the 1933 agreement. This offer was accepted and the first instalment has already been paid.

His Majesty's Government cannot be indifferent to the affairs of the Anglo-Iranian Oil Company, an important British and, indeed, international interest. It is, therefore, with much concern that His Majesty's Government learn that the Majlis Oil Commission have indicated that they are contemplating the 'nationalisation' of that interest before the expiry of the Company's concession agreement. In that regard there are certain considerations to which they desire to invite the urgent attention of the Imperial Government.

- (a) It is necessary, first, to draw clear distinction between the principle of nationalisation and the expropriation of an industry which has been operating in Iran on the security of a regularly negotiated agreement valid until 1993, and, relying on that security, has in all good faith spent enormous sums of money in development.
- (b) His Majesty's Government are advised that under the terms of its agreement, the Company's operations cannot legally be terminated by an act such as 'nationalisation.'
- (c) Under Article 22 of the agreement, the Imperial Government of the Anglo-Iranian Oil Company agreed in certain circumstances to have

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recourse to the good offices of the President (or Vice-President) of the Permanent Court of International Justice in connexion with the nomination of an umpire or a sole arbitrator should differences of opinion occur to make recourse to arbitration desirable; that provision was made known in the Court in simultaneous and identical letters addressed by His Majesty's Government and the Imperial Government to the Registrar of the Court on 17th August, 1933.

(d) As the Imperial Government are aware, the Company are prepared to discuss a new agreement with them on the basis of an equal sharing of profits in Iran; but the Company evidently could not entertain any such proposition unless they were assured that their agreement would be permitted to run its full course.

His Majesty's Government must at the same time express their regret that public opinion in Iran has apparently not been adequately or correctly informed regarding the operations and intentions of the Anglo-Iranian Oil Company. The fact is that, as your Excellency's Government are well aware, the Anglo-Iranian Oil Company have no desire other than to carry on legitimate business in association with the Iranian Government. His Majesty's Government for their part welcomed the initiative taken in 1948 by the Company in proposing an increase in royalties and other benefits to Iran. The advantages of the resulting agreement, however, were never explained to the Iranian public nor was the agreement fully discussed by the Majlis, whose debates on the subject of oil have dealt with matters outside the scope of the actual agreement. The impression was allowed to arise that the Supplemental Agreement implied some prolongation of the agreement of 1933 or imposed obligations on the Imperial Government; whereas, as your Excellency is aware, this was not the case. The Supplemental Agreement would have brought substantial benefits to Iran, and it did not affect either the period or the general validity of the 1933 Agreement.

Notwithstanding the lack of appreciation that has hitherto been shown of the intentions of the Anglo-Iranian Oil Company towards the Imperial Government and people of Iran, His Majesty's Government wish, in bringing these considerations to the attention of your Excellency's Government, to express their conviction that the continued collaboration of the Anglo-Iranian Oil Company with the Government of Iran is in the best interests of the Government and people of Iran; and they earnestly hope that future discussions on the oil question will take place on a fair and reasonable basis in a friendly spirit.

I avail, &c.

F. M. SHEPHERD.

(b) The Persian reply, 8 April 19511

M. l'Ambassadeur,

In acknowledging receipt of your Excellency's note No. 30 of 14th March, 1951, I wish to bring the following to your attention. The Imperial Iranian Government in its turn is very anxious to maintain and strengthen friendly relations and mutual confidence in all matters between the peoples and Governments of Iran and Britain. As for the question of oil, as your Excellency is aware, the Iranian Government's business is with the A.I.O.C. and that company has not raised the matter or made any statements. However, since you have seen fit to enter on this question, I consider it necessary not to leave your Excellency's note unanswered, and the following points must therefore be mentioned:—

- (i) In spite of the changes that have taken place in the world situation in general and in the social life and public opinion of Iran in particular and in spite of the statement² I made to your Excellency on 8th June, 1950, when I was Minister for Foreign Affairs, the company paid no attention to the justified claims of Iran and declared the draft Supplemental Agreement to be their maximum possible limit of concession, although events had made it clear that public opinion in this country did not consider that Bill as sufficiently assuring the rights of the Iranian people.
- (ii) As you know, the present position is that both Houses of the Majlis have unanimously accepted the principle of nationalisation of the oil industry and the Special Oil Commission is now studying how to put that principle into practice, in order to submit its proposals to both Houses of the Majlis for final decision. At present the Government's only obligation is to await the result of the Commission's deliberations.

HUSAIN ALA.

- (iv) Statement issued by the Persian Embassy in London on the proposed nationalization of the oil industry, 16 April 19513
- 1. (a) Considering the vital part played by Persian oil in the commercial, economic, and industrial life of Great Britain in this century; (b) and the immense contribution made to the furtherance of British and Allied war aims in two world wars by Persian oil; (c) and the colossal

¹ Cmd. 8425, p. 27.

² This refers to a statement by M. 'Alā on 7 June 1950 in which he said that Persia should receive more generous treatment from the A.I.O.C. than that offered by the Supplemental Agreement.

³ The Times, 17 April 1951.

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benefits accrued to the Anglo-Iranian Oil Company in its exploitation of Persian oil, Persia has not, by any standards, received a fair and reasonable share of her vast oil resources. It should be borne in mind that oil comprises the major national wealth of Persia and that the oil extracted from Persia is actually a great deal more precious than gold or dollars.

Repeated attempts on the part of Persia in the last few years to obtain a just share of the oil profits and an honourable and equitable part in the control and administration of this vital concern to Persia have not met with that spirit of partnership and far-sighted cooperation so essential to the smooth working of a national enterprise of this calibre. All over Persia, and not merely in the south, Persians rightly consider the oil extracted from their soil as their national heritage, and justifiably demand some form of social benefit and security from it.

Consequently the Persian Parliament (Majlis), reflecting the sanguine wishes and aspirations of the vast majority of the Persian people, on March 15 passed by a unanimous vote a Bill nationalizing the oil industry in Iran. Five days later the Senate, also by a unanimous vote, confirmed the approval of the Nationalization Act.

- 2. To ascribe to Communist intrigue and agitation the nationalist movement in Persia is blinking at hard facts and trying to find scapegoats for a purely rationalistic sequence of social evolution.
- 3. The recent disturbances in the south of Persia are deeply regretted and abhorred by all Persians, and the Persian Government has been trying with determination and resolve to restore order and calm all over the country, and the situation is under control. Local agitators, who invariably endeavour to fish in troubled waters, must not be confused with the heavy hand of foreign intriguers and exaggerated reports and sensational rumours of Communist-staged riots will only bedevil a clear issue and create confusion.
- 4. The 'exploratory' oil talks between British and American representatives in Washington cannot have any validity for Persia and are considered by the Persians to be interference in their affairs.
- 5. Persia's relations with Great Britain are fundamentally amicable and have stood the test of time and adverse circumstances. The Persian Government and people are desirous of reciprocating and strengthening the bonds of mutual friendship and cooperation between the peoples and Government of Persia and Britain. The nationalization of the oil industry in Persia is purely an internal affair, and a matter between them and the Anglo-Iranian Oil Company. Persia has no intention of giving the oil to any other country, nor to deprive Britain of its use.

(v) Extract from a statement in the House of Commons by the Secretary of State for Foreign Affairs, Mr. Herbert Morrison, on the United Kingdom's attitude towards negotiations with the Persian Government, 1 May 1951¹

I now wish to make clear His Majesty's Government's attitude in the matter. The United Kingdom has a longstanding friendship with Persia, whose political independence and territorial integrity we have consistently helped to preserve and which remain a matter of deep concern to us. Persia's economic life is intimately linked with our own, as her Government well realise. Our only desire is to see Persia, strong, prosperous and independent, and to co-operate with her to these ends in so far as she may desire such co-operation.

As I have shown, we consider that the continued operations of the Anglo-Iranian Oil Company are vital to Persia's well-being, even as they contribute to our own. We recognise that Persia's evolution, to which we ourselves have contributed and are still contributing, has created a new situation in which it is natural and right that the Persian people should now take a greater share in the operation of their main industry. But we cannot admit that the contractual obligations under which the Company has operated and has made this great investment in Persia can be abrogated unilaterally.

Before Mr. Ala resigned, we had, with the full agreement of the Company, authorised His Majesty's Ambassador at Tehran to put to him informally the lines on which we thought a satisfactory agreement between the Persian Government and the Company could be worked out. In general terms, these were based on the principle of association between the Government and the Company, and provided for the transfer of the Company's operations in Persia to a new British Company on the board of which the Persian Government would be represented; for a progressive increase in the already very great proportion of Persians employed by the Company throughout its operations; and for an equal sharing of the profits of these operations between the Persian Government and the new Company. It was not possible for these suggestions to be pursued before the Oil Commission's new proposals were issued and the Ala Government resigned.

We are still most anxious to settle this matter by negotiation; but we cannot negotiate under duress. We do not, of course, dispute the right of a Government to acquire property in their own country, but we cannot accept that the Company's whole position in Persia should be radically altered by unilateral action, when the Agreement into which the Persian Government freely entered with the Company itself provides against such

¹ H.C. Deb. 5th ser. vol. 487, coll. 1011-12.

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action. We have no wish that this question should become an issue between ourselves and our Persian friends, and we are only anxious to sit down with them and work out a solution in a reasonable atmosphere. Our long-standing ties of friendship with them and our many mutual interests, political as well as economic, convince us that such a solution can be found.

(vi) Law nationalizing the oil industry in Persia, promulgated on i May 19511

By the grace of Almighty God Pahlavi Shahinshah of Persia

hereby command, by virtue of article 27 of the Supplementary Constitutional Law that:

ARTICLE 1. The bill concerning the procedure for enforcement of the law concerning the nationalisation of the oil industry throughout the country which was approved by the Senate and the Majlis on 9th Urdibihisht (30th April) and is hereto attached may be enforced.

ARTICLE 2. The Council of Ministers are charged with the enforcement of this law.

The text of the bill concerning procedure for enforcement of the decision relating to the nationalisation of oil, as approved by the two Houses of Parliament after amendments by the Majlis.

ARTICLE 1. With a view to arranging the enforcement of the law of 24th and 29th Esfand, 1329 (15th and 20th March, 1951), concerning the nationalisation of the oil industry throughout Persia, a mixed board composed of five Senators and five Deputies elected by either of the two Houses and of the Minister of Finance or his Deputy shall be formed.

ARTICLE 2. The Government is bound to dispossess at once the former Anglo-Iranian Oil Company under the supervision of the mixed board. If the Company refuses to hand over at once on the grounds of existing claims on the Government, the Government can, by mutual agreement, deposit in the Bank Milli Iran or in any other bank up to 25 per cent. of current revenue from the oil after deduction of exploitation expenses in order to meet the probable claims of the Company.

ARTICLE 3. The Government is bound to examine the rightful claims of the Government as well as the rightful claims of the Company under the supervision of the mixed board and to submit its suggestions to the two Houses of Parliament in order that the same may be implemented after approval by the two Houses.

ARTICLE 4. Inasmuch as the nationalisation of the oil industry was also approved by the Senate on 29th Esfand (20th March, 1951) and inasmuch

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¹ Cmd. 8425, pp. 29-31.

as all income from oil and oil products are the established property of the Persian nation the Government is bound to audit the Company's accounts under the supervision of the mixed board which must also closely supervise exploitation as from the date of the implementation of this law until the appointment of an executive body.

ARTICLE 5. The mixed board must draw up, as soon as possible, the statute of the National Oil Company in which provision is to be made for the setting up of an executive body and a supervisory body of experts, and

must submit the same to the two Houses for approval.

ARTICLE 6. For the gradual replacement of foreign experts by Persian experts the mixed board is bound to draw up regulations for sending, after competitive examinations, a number of students each year to foreign countries to undertake study in the various branches of required knowledge and gain experience in oil industries, the said regulations to be carried out by the Ministry of Education after the approval of the Council of Ministers. The expenses connected with the study of such students shall be met out of oil revenues.

ARTICLE 7. All purchasers of products derived from the wells taken back from the former Anglo-Iranian Oil Company can in future buy annually the same quantity of oil they used to buy annually from the Company from the beginning of the Christian year 1948 up to 29th Esfand, 1329 (20th March, 1951), at a reasonable international price. For any surplus quantity they shall have priority in the event of equal terms of purchase being offered.

ARTICLE 8. All proposals formulated by the mixed board for the approval of the Majlis and submission to the Majlis must be sent to the Oil Commission.

ARTICLE 9. The mixed board must finish its work within three months as from the date of approval of this law and must submit the report of its activities to the Majlis in accordance with Article 8. In the event of requiring an extension it must apply, giving valid reasons, for such extension. Whilst, however, the extension is before the two Houses for approval the mixed board can continue its functions.

(vii) Telegram from Mr. Morrison to Sir Francis Shepherd, incorporating a message to the Persian Prime Minister, Dr. Musaddiq, 2 May 1951¹

I sent for the Persian Ambassador to-day. After referring to the long history of friendly relations between our two countries, I said I took a very serious view of the present situation, and of the Persian Government's

attempts to nationalise the Anglo-Iranian Oil Company's industry in Persia. The subject of nationalisation had been handled in Persia in a very irresponsible fashion and no well-thought out scheme had been produced. The Company had rights under the 1933 Concession, which was valid until 1993. Those rights could not be unilaterally cancelled. His Majesty's Government, and indeed the democratic free world were interested in the outcome of the present situation.

2. His Majesty's Government were willing to enter into negotiations with the Persian Government in order to learn in detail what the Persian Government wanted to do, and to see whether we could arrive at a friendly settlement consistent with the prosperity of Persia and the rights of the Company.

3. Meantime it was very important that the Persian Government should not take unilateral action. I asked the Ambassador to convey a message to his Prime Minister, asking him to suspend action to allow for discussion and assuring him that His Majesty's Government wished to arrive at a fair and sensible settlement. Precipitate action by the Persian Government would seriously affect the social and economic well-being of the Persian people, and might lead to an unhappy and most difficult situation between our two countries, which have been and ought to remain good friends.

4. I then referred the Ambassador to my statement in the House yesterday. It and my interview with him were temperate in tone, because the question ought to be considered temperately here and in Tehran. But the Persian Government should not because of that minimise the feeling of His Majesty's Government on this question. We could not accept unilateral action which would have the effect of upsetting the Agreement of 1933, particularly since that Agreement by its own terms ruled out such action, and provided for arbitration. I concluded by saying that we would much prefer that His Majesty's Government and the Persian Government should seek a solution in friendly conversations round a table.

5. The Ambassador undertook to transmit my message immediately and to inform me of the reply. He expressed appreciation of the friendly attitude which I had shown on this question. The principle of nationalisation had been passed by both Houses of the Majlis and the Persian Government was therefore faced with a fait accompli. Did His Majesty's Government recognise this? I replied that we did not. His Majesty's Government had nationalised a number of industries, but always after proper discussion with all the interested parties. I had never heard of an act of nationalisation based on little more than a resolution hurriedly passed by a Parliament, except in Communist countries. If Persia took over the Anglo-Iranian Oil Company's assets arbitrarily, she would have no reply to the Russians if they later attempted to take over Persian assets without agreement.

(viii) Reply from Dr. Musaddiq to Mr. Morrison's message, 8 May

I have received your Excellency's message through the intermediary of the Iranian Ambassador in London.

I, also, for my part, have the utmost interest in maintaining the good relations and the strengthening of the foundations of friendship with Great Britain, and I consider it necessary that certain misunderstandings should

be completely cleared.

The former Anglo-Iranian Oil Company's conduct and activities constituted one of the causes of the misunderstandings which gave rise to the dissatisfaction of the Iranian nation, and not infrequently, to the belief that British officials were involved. It is certain that following the execution of the law of implementation of the nationalisation of the oil industry throughout the country, the causes of dissatisfaction will disappear. The strengthening and consolidation of Iran's friendship with Great Britain are not only to the good and interest of both the countries but also to the good and welfare of all democratic states and the peace of the world.

The object of the nationalisation of the oil industry is fully evident. The Iranian nation wishes to exercise its sovereign rights and to undertake the exploitation of its own oil resources; it has no other object in mind other than the implementation of the law of nationalisation of the oil industry. Under articles 2 and 3 of this Law (a copy of which is attached)² the Iranian Government is ready to consider the claims of the former Oil Company—an act which in no way bears comparison with the Communist

way of conducting affairs, as referred to by your Excellency.

Likewise, in accordance with Article 7 of this Law, the Iranian Government is prepared to sell petroleum to its former buyers at fair international rates.

It is the sovereign right of every nation to nationalise its industries. Assuming that agreements or concessions have been concluded with persons or private companies in respect of these industries and assuming that from a juridical aspect these agreements and concessions are considered to be valid, the fact remains that they cannot form a barrier against the exercising of national sovereign rights nor is any international office competent to consider such cases.

By exercising its sovereign rights, the Imperial Iranian Government wishes to strengthen the economic structure of the country through its oil revenues and to provide for the general welfare of its people and to put an end to general poverty and dissatisfaction. This measure will bring about the prosperity and tranquillity of Iran and will prevent any disorder and disturbance.

With regard to the principal issue, in accordance with the law of implementation of nationalisation of the oil industry throughout the country, a

² See above, p. 481.

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mixed board is to be set up by the Senate and Majlis from among their members, and as soon as this board has been formed, which will be a matter of a few days, the former Oil Company will be invited for arranging matters and implementation of the law.

2. Attempts at negotiation

(i) Letter from Mr. N. R. Seddon, Chief Representative of the Anglo-Iranian Oil Company in Tehrān, to Dr. Musaddiq, informing him of the Company's appointment of an arbitrator, 8 May 1951¹

Your Excellency,

I am instructed by Sir William Fraser, Chairman of the Anglo-Iranian Oil Company Limited, to submit to you the following notification on his behalf:—

'Your Excellency,

The measures recently introduced in respect of the Oil industry in Iran clearly have the object of either bringing the Concession held by the Anglo-Iranian Oil Company Limited, to an end, or annulling it before the date provided therein for its termination, by a unilateral act of the Imperial Iranian Government in breach of Articles 26 and 21 of the Concession Agreement or unilaterally altering the terms therein contained in breach of Articles 21 and 1 of that Agreement.

Therefore I on behalf of the Company and in accordance with the rights reserved to it by Articles 22 and 26 of the Concession Agreement beg to notify the Government that the Company requests arbitration for the purpose of determining whether in so attempting to annul, or terminate the Concession or to alter the Concession Agreement the Government has acted in accordance with the terms of the Concession Agreement and for the purpose of establishing the responsibility for and determining the consequences of the breach above referred to.

I further beg to state that the Company has appointed the Right Honourable Lord Radcliffe, G.B.E. as its arbitrator and that he has

given his consent to act.

Finally, the Company, in view of the gravity of the situation brought about by the measures above referred to, expresses the hope that the Government will appoint its arbitrator at the Government's earliest convenience.'

I shall be glad if your Excellency will kindly acknowledge receipt of the above notification from Sir William Fraser.

With the assurance of our highest esteem,

For Anglo-Iranian Oil Company, Limited,

N. R. SEDDON.

¹ Cmd. 8425, pp. 33-34.

(ii) Reply from the Persian Finance Minister, 20 May 19511

Mr. Seddon, Representative of the former Anglo-Iranian Oil Company.

His Excellency the Prime Minister has instructed me to convey the following reply to your letter dated 8th May, 1051, addressed to him:—

following reply to your letter dated 8th May, 1951, addressed to him:—

In accordance with Acts of 15th and 20th March, 1951 and 30th April, 1951, copies of which are enclosed herewith, the Petroleum Industry throughout Iran has been nationalised, and the Imperial Government is required to undertake itself the exploration for, and production, refining and exploitation of Petroleum resources.

It perhaps needs no explanation that:—

Firstly the nationalisation of industries derives from the right of sovereignty of Nations, and other Governments, among them the British Government and the Mexican Government, have in various instances availed themselves of this same right.

Secondly private agreements even supposing their validity is established cannot hinder the exercise of this right which is founded on the indis-

putable principles of International Law.

Thirdly the fact of nationalisation of the Petroleum industry, which derives from the exercise of the right of sovereignty of the Iranian Nation is not referable to arbitration, and no international authority has the competence to deal with this matter.

In view of these premises the Iranian Government has no duty in the existing circumstances other than implementing the articles of the abovementioned Acts and does not agree in any way with the contents of the letter of the former Oil Company on the subject of reference of the matter to arbitration.

You are meanwhile notified that in accordance with Articles 2 and 3 of the Act of April 1951 the Iranian Government is prepared to examine the just claims of the former Oil Company.

In conclusion, the former Oil Company is hereby invited to nominate immediately its representatives with a view to making arrangements concerning the matter and carrying out the above-mentioned Law so that the day, hour and place of their attendance should be notified.

MOHAMMED ALI VARASTEH,

Minister of Finance.

(iii) Aide-mémoire from Mr. Morrison to Dr. Musaddiq, stating the British Government's willingness to send a mission to Tehrān to discuss the terms of a further agreement, 19 May 1951²

I have received through His Imperial Majesty's Ambassador in London your reply to the message which I sent to you through him on 2nd May.3

¹ Cmd. 8425, p. 36.

I regret to find that it contains no response to the suggestion which I made, and which I have since reaffirmed publicly, that His Majesty's Government in the United Kingdom wish to see the question of the future operations of the Anglo-Iranian Oil Company in Iran settled by negotiation. Instead it appears to assert that the Imperial Government of Iran has a right to proceed by unilateral action to the dispossession of the Anglo-Iranian Oil Company.

- 2. His Majesty's Government fully understand and sympathise with the desire of the Iranian Government to strengthen the economic structure of their country and to provide for the general welfare of its people. They themselves have constantly shown in practical ways that these objects are of deep concern to them. They find it difficult to believe, however, that the unilateral action which the Iranian Government are proposing to take will contribute towards their fulfilment.
- 3. His Majesty's Government moreover neither desire nor intend to question the exercise by Iran of any sovereign rights which she may legitimately exercise. They maintain, however, that the action now proposed against the Company is not a legitimate exercise of those rights. The 1933 Agreement is a contract between the Iranian Government and a foreign company, concluded under the auspices of the League of Nations after an attempt by the Iranian Government to deprive the Company of its rights under its previous concession had been brought by His Majesty's Government before the League of Nations. It was moreover ratified by the Majlis and became Iranian law. Further, the agreement contained two very important provisions:
 - (a) that the position of the Company under its agreement should never be altered by the action of the Iranian Government or even by Iranian legislation (Article 21) except as a result of an agreement between the Iranian Government and the Company;
 - (b) that if the Iranian Government had any complaints against the Company, or vice versa, and the dispute could not be settled otherwise, it was to be referred to arbitration (Article 22), the arbitral tribunal being presided over by an umpire appointed by the arbitrators themselves or, in default of their agreement, by the President of the International Court of Justice at The Hague.
- 4. The essential point is not the right of a sovereign Power by its legislation to nationalise commercial enterprises carried on within its borders nor what measure of compensation it should pay for doing so. The Iranian Government in effect undertook not to exercise this right and the difference at issue is therefore the wrong done if a sovereign State breaks a contract which it has deliberately made.
 - 5. If as your Excellency claims the Iranian Government had grievances

against the Company, their remedy, as I have shown above, was to seek arbitration. That course has not been adopted. Instead, the Iranian Parliament have enacted a law which envisages a fundamental change in the status of the Company. The Company therefore had no alternative but to make known to the Iranian Government its wish to take the whole matter to arbitration.

- 6. The Anglo-Iranian Oil Company is a British company registered in the United Kingdom; moreover His Majesty's Government own a majority of shares in the Company. It is clear therefore that His Majesty's Government have the fullest right to protect its interests in every way they properly can. The Company has had its valuable rights established under the agreement injuriously affected by an Iranian enactment when Article 21 provided that this should not be so. The Company has appealed to the only remedy which is open to it, namely, arbitration under Article 22. If that remedy should be rendered illusory by the Iranian Government, then the question must become an issue between the two Governments. His Majesty's Government would have an unanswerable right under international law to take up the case, and, if they deemed it expedient, to bring their complaint against the Iranian Government before the International Court of Justice at The Hague. In that contingency they would hope that the Iranian Government would collaborate in enabling the Court to give a decision as quickly as possible.
- 7. On the other hand, His Majesty's Government still hope that the problem can be solved by negotiation to the satisfaction of all concerned. The interests of His Majesty's Government and the Anglo-Iranian Oil Company in this matter are identical, and I take this opportunity to reaffirm that His Majesty's Government are prepared to send a mission forthwith to Tehran to discuss the terms of a further agreement. I earnestly trust that your Excellency will be prepared to agree to this procedure and to conduct negotiations with a mission on a fair and equitable basis.
- 8. In conclusion, I note that your Excellency has reciprocated the desire which I have already expressed to you of maintaining good relations and strengthening the foundations of friendship between Iran and the United Kingdom. I should, however, be less than frank if I did not say that a refusal on the part of the Imperial Government to negotiate, or any attempt on their part to proceed by unilateral action to the implementation of recent legislation, could not fail gravely to impair those friendly relations which we both wish to exist, and to have the most serious consequences.

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- (iv) The United States attitude to the Anglo-Persian dispute
- (a) Statement by the United States Department of State on the United States attitude towards the oil dispute, 18 May 19511

The United States is deeply concerned by the dispute between the Iranian and British Governments over Iranian oil. We are firm friends of both Iran and Great Britain and are sincerely interested in the welfare of each country. The United States wants an amicable settlement to this dispute, which is serious not only to the parties directly concerned but also to the whole free world. We have followed the matter closely and have told both countries where we stand. The views which we have expressed have related to the broad aspects of the problem, as it has not been appropriate for us to advise with respect to specific terms of arrangements which might be worked out.

Since the United States attitude has been the subject of some speculation, it is deemed advisable to describe the position which we have taken in our talks with representatives of Iran and Great Britain.

We have stressed to the Governments of both countries the need to solve the dispute in a friendly way through negotiation and have urged them to avoid intimidation and threats of unilateral action.

In our talks with the British Government, we have expressed the opinion that arrangements should be worked out with the Iranians which give recognition to Iran's expressed desire for greater control over and benefits from the development of its petroleum resources. While the United States has not approved or disapproved the terms of any particular British proposal, it is pleased to note a sincere desire on the part of the British to negotiate with the Iranians on all outstanding issues.

We fully recognize the sovereign rights of Iran and sympathize with Iran's desire that increased benefits accrue to that country from the development of its petroleum. In talks with the Iranian Government, we have pointed out the serious effects of any unilateral cancellation of clear contractual relationships which the United States strongly opposes. We have stressed the importance of the Iranians achieving their legitimate objectives through friendly negotiation with the other party, consistent with their international responsibilities. This would have the advantage of maintaining confidence in the future commercial investments in Iran and, indeed, in the validity of contractual arrangements all over the world.

Iran has been urged, before it takes final action, to analyze carefully the practical aspects of this problem. In this connection, we have raised the question of whether or not the elimination of the established British oil company from Iran would in fact secure for Iran the greatest possible benefits. We have pointed out that the efficient production and refining

Department of State Bulletin, 28 May 1951, p. 851.

of Iranian oil requires not only technical knowledge and capital but transport and marketing facilities such as those provided by the company. We have also pointed out that any uncertainty as to future availability of Iranian supplies would cause concern on the part of customers which might lead to shifts in their source of supply with a consequent decreased revenue to Iran.

Those United States oil companies which would be best able to conduct operations such as the large-scale and complex industry in Iran have indicated to this Government that they would not in the face of unilateral action by Iran against the British company be willing to undertake operations in that country. Moreover, petroleum technicians of the number and competence required to replace those presently in Iran are not, due to extreme shortages of manpower in this specialized field, available in this country or in other countries.

The United States believes that Iran and Great Britain have such a strong mutuality of interests that they must and will find some way, through friendly negotiation, of reestablishing a relationship which will permit each party to play its full role in the achievement of their common objectives. Through such negotiation it is felt that Iran's basic desires and interests can best be realized, the legitimate British interests preserved, and the essential flow of Iranian oil into the markets of the free world maintained.

The United States has repeatedly expressed its great interest in the continued independence and territorial integrity of Iran and has given and will continue to give concrete evidence of this interest.

(b) Persian aide-mémoire to the U.S.A. protesting against the United States declaration of 18 May, 21 May 1951¹

The United States Government's declaration on the oil question and the tone of its peculiar phrases have created a very undesirable, unexpected impression in competent Iranian circles. Until two days ago, American authorities used to say they were neutral on the oil issue, and the Iranian nation expected this neutral policy would continue.

Now it is surprising that the Government of the United States has changed its opinion and wishes to advise us that the issue be settled by negotiations. If the international situation did necessitate a friendly recommendation of the Government of the United States, it should have been made in such a way as not to be incompatible with the nationalization of the oil industry throughout the country. Now that the said law has been passed and the Government is bound to carry it out, a friendly recommendation of a foreign Government, no matter in what form it takes place, can only be regretted as an interference in the internal affairs of Iran.

The present Premier, at the time when he was a Deputy before the nationalization of the oil industry, said once in a meeting of the Majlis:

'I wish some of the Deputies of the British House of Commons would come and see for themselves how the Anglo-Iranian Oil Company is treating the people here, and contrary to all principles of justice and fairness, has made tremendous profits and have [sic] appropriated the rights of the country.'

The activities and conduct of the late company had raised the anger of the people, made them nervous to such an extent that the true will of the nation had made it imperative to put an end to that state of affairs and nationalize the industry. Now that the said law is passed by the two Houses, the Government has no other alternative than its enforcement, and the slightest delay in its execution will provoke the anger of the Iranian people.

It is therefore expected that the great, freedom-loving nation of the United States, just as in some other cases it has rendered moral assistance toward the legitimate ends of Iran from the viewpoint of supporting rights and justice, would not give its friendly and impartial attitude in this case, either.

(c) The reply of the United States Government, 26 May 19511

The aide-mémoire of His Excellency, the Minister for Foreign Affairs of Iran, which was handed to the American Ambassador in Tehran on May 21, has been carefully considered by the Government of the United States.

It is unfortunate that the public statement made by this Government on May 18 has been misconstrued by the Iranian Government as intervention in the internal affairs of Iran. The United States wishes to make it clear that it did not then intend, nor does it now intend, to interfere in the internal affairs of Iran, nor to oppose Iran's sovereign rights or the expressed desires of the Iranian Government in regard to control of Iranian resources.

There is, however, legitimate basis for deep and proper interest on the part of this Government in a solution of the oil problem in Iran. A serious controversy exists between Iran and Great Britain, a controversy which could undermine the unity of the free world and seriously weaken it. The United States is bound to both countries by strong ties of friendship and has attested its sincere concern for the well-being of both. It has, therefore, in view of the importance of the matter, discussed the issues with both parties and has stated publicly the principles it considers important in reaching a solution of this controversy.

The United States continues in its firm belief that an issue of this kind

¹ Department of State Bulletin, 4 June 1951, pp. 891-2.

can be settled satisfactorily only by negotiation by the parties concerned. While the United States has urged upon both parties the need for moderation, it has taken no position on details of any arrangement which might be worked out. It has, however, reaffirmed its stand against unilateral cancellation of contractual relationships and actions of a confiscatory nature. The United States is convinced that through negotiation a settlement can be found which will satisfy the desires of the Iranian people to control their own resources, which will protect legitimate British interests and which will assure uninterrupted flow of Iranian oil to its world markets. Such a settlement is, in the opinion of this Government, of the utmost importance not only to the welfare of the two powers concerned but to that of the entire free world. The United States wishes to state again its deep interest in the welfare of the Iranian people and in the maintenance of the independence and territorial integrity of Iran, which is a cardinal principal of United States policy.

(v) Aide-mémoire from the Persian Finance Minister to Mr. Seddon, informing him of the regulations for the implementation of the nationalization law, 30 May 1951¹

Mr. Representative of the former Anglo-Iranian Oil Company.

As you are aware an Act was passed by the two Houses on 20th March whereby the oil industry was nationalised throughout the country of Iran. Then later another Act was passed on 30th April whereby the Government was charged with the execution of the Act of 20th March under the supervision of the Mixed Committee selected by the two Houses.

The law concerning the nationalisation of oil derives from the right of sovereignty of the Iranian nation in choosing and determining the method of utilisation of national industries, and in enforcing this law the Iranian Government has no objective other than ensuring the welfare and comfort of the nation, and does not in any manner intend to infringe anyone's rights thereby. Accordingly full regard has been had in the said laws to the protection of the rights of all concerned. *Inter alia*, necessary consideration and attention have been devoted to two fundamental matters.

One of these is that the nationalisation of the oil industry shall not in any way cause damage to previous purchasers and consumers. In order to ensure this object, Article 7 of the Act, quoted hereunder

'All purchasers of the products of the mines of which the late Anglo-Iranian Oil Company has been dispossessed can hereafter continue to buy each year at a fair international rate the same amount of oil which they bought from the said Company annually from the beginning of the Christian year 1948 to 29th Esfand, 1329 (20th March, 1951). As regards

¹ Cmd. 8425, pp. 39-41.

quantities in excess, conditions of purchase being equal, they shall have priority.'

explicitly recognises the rights of previous oil customers and undertakes to

safeguard them.

The other is that, if it is proved that the nationalisation of oil has caused a damage to the former Company, the Iranian Government has accepted to make compensation for that damage, and has expressed its willingness, in order to compensate such probable damage, to deposit up to 25 per cent. of the net oil revenues with a Bank mutually agreed upon as a guarantee (Article 2 of the Act of 30th April).

In view of these premises it will be appreciated that the Iranian Government has absolutely not intended, and does not intend, to requisition the properties of the former Oil Company, nor does it propose to hinder the sale of oil to former customers. After this preface which was brought to your notice for clarification, I now proceed to inform you of the regulations which the Iranian Government has prepared, under the supervision of the Mixed Committee, for the execution of the law of nationalisation of oil.

REGULATIONS

1. In order to enforce Article 2 of the Act for the implementation of the nationalisation of the oil industry and with a view to the temporary administration of the National Oil Company of Iran, a committee composed of three persons, called the temporary Board of Directors, will be nominated by the Government to function under the supervision of the Mixed Committee.

2. The said Committee shall have all the necessary powers for managing the Company's affairs covering exploration, production, refining, distribu-

tion, sale and exploitation.

3. Pending the approval of the constitution of the National Oil Company of Iran, the basis of operations of the temporary Board of Directors shall be the rules of the former Oil Company (except where these may be at variance with the law concerning the nationalisation of the oil industry).

4. The specialists, employees and workmen of the former Oil Company, Iranian as well as foreign, shall continue in employment as before and shall be regarded from this date as employees of the National Oil Company of

Iran.

- 5. The temporary Board of Directors shall exercise the greatest care and endeavour in carrying out existing schemes and increasing oil production so that the rate of production and exploitation shall increase above the present rate.
- 6. With a view to the fixation of the international reasonable price, and in order meanwhile to prevent any stoppage and restrictions in exports,

the temporary Board of Directors will, immediately on arrival in Khuzistan, issue a notice in Iran and abroad to the effect that former purchasers may for one month obtain supplies under the existing plans, against receipt. Within this period, purchasers must apply to the office of the temporary Board of Directors in order to make arrangements for payment of the price of oil supplies received during that period, and to secure the concurrence of the Board of Directors with regard to benefiting from the rights prescribed in Article 7 of the Act of 30th April, 1951, and arranging purchase and sale of oil in the future. The temporary Board of Directors will propose the principles of agreement with purchasers to the Mixed Committee for approval.

In conclusion I have to mention two points:—

- 1. The Regulations of which you have just been informed are general instructions for the implementation of the law of nationalisation of oil which have for the time being come to mind. Since the Government is anxious that this important national problem should reach finality with utmost correctness and soundness, and that benefit should be taken of the experience and knowledge of the former Oil Company, if any proposals are made by you which do not conflict with the principle of nationalisation of oil, the Government will take them into consideration.
- 2. It is expected that the former Oil Company will submit to me such proposals which it has to make within the limits of the said laws within a period of five days, so that they may be studied and utilised. Since in accordance with law the Government is bound to enforce the oil nationalisation law immediately, and since delay in so doing would entail responsibility, if you have any proposals they should be submitted within the said period.
- (vi) Statement in the House of Commons by Mr. Morrison on the negotiations between the Company and the Persian Government, 19 June 1951¹

In my statement to the House on 14th June, I mentioned the demands which had been presented by the Persian Oil Board in Abadan to the Company's General Manager.

The first meeting between the Anglo-Iranian Oil Company delegation and the Persian representatives to the discussions took place in Teheran on the evening of 14th June, and at an early stage the Persian Minister of Finance, who headed the Persian delegation, made three specific demands:

(1) That the Company's Board in London and its management in Persia should henceforth deal with all matters affecting Persia and falling

within the province of the provisional Persian Board of Directors only in conjunction with the latter.

- (2) That the proceeds of the Company's operations arising from Persian oil, less expenses, as from 20th March (as provided in the Nationalisation Law) should be handed over to the Persian Government who would deposit 25 per cent. with some mutually agreed bank against any claim for compensation that the Company might prefer.
- (3) That the Company should render a statement of all sales transactions from that date onwards.

It was made clear that acceptance of these demands was a condition precedent to the opening of discussions.

The Company's delegation at once replied that they would have to refer this new development to London. The Persians originally gave them until Sunday, 17th June, in which to reply, but this was later extended to today, 19th June. Advice from London has now been sent to the delegation, which is to meet the Persian representatives again this evening.

The House will not expect me to say what answer the delegation will give at this evening's meeting in Teheran. I will take an early opportunity to make a further statement to the House on this important matter.

Meanwhile, I should perhaps mention the statements attributed by the Press to Mr. Makki, one of the members of the Persian Oil Board now in Abadan, to the effect that, if the Company's answer to the three demands is not satisfactory, the installations will be taken over tomorrow, 20th June. I do not know to what extent, if at all, this ultimatum—if Mr. Makki has been correctly reported—represents the attitude of his Government. I should hope it does not. The Company and His Majesty's Government have from the start been ready, and are still ready, to discuss the whole matter reasonably and fully; we believe that a solution satisfactory to all concerned can be found. But ultimata and prior conditions of this kind make reasonable negotiation impossible.

(vii) The Anti-Sabotage Bill

(a) Draft Anti-Sabotage Bill, presented to the Majlis on 21 June 19511

For a year from the date of approval of the law any person engaging treacherously or with ill-intent in activities in connexion with the operation of Persia's national oil industry, resulting in the cutting of the oil pipe lines or rendering unserviceable refineries or facilities or transport of oil, or causing fire in oil wells or oil storage tanks or causing the destruction of railway lines, railway tunnels, railway bridges, or rolling stock shall be condemned to penalties ranging from temporary imprisonment with hard labour to execution. The same penalties will be applied to instigators or

accomplices as to those actually committing the crime. These offences shall be dealt with by military courts.

(b) Note from the British Ambassador to the Persian Minister for Foreign Affairs, protesting against the Anti-Sabotage Bill and against interference in the operations of the Company, 30 June 1951¹

Monsieur le Ministre,

I have the honour to inform you that I am instructed to convey to your Excellency the following message for his Excellency the Prime Minister from Mr. Herbert Morrison, His Majesty's Principal Secretary of State for Foreign Affairs.

'His Majesty's Government have noted with regret that the Imperial Government have not only not replied to the aide-mémoire addressed to the Prime Minister of Iran on 19th May by His Majesty's Ambassador at Tehran,² but in the meantime have not seen fit to respond to the offers repeatedly made both by the Anglo-Iranian Oil Company and by His Majesty's Government to enter into negotiations with the Imperial Government with a view to a just and reasonable settlement of the question of the future relations between the Company and the Imperial Government.

Furthermore, while the Imperial Minister of Finance in a letter of 30th April3 to the Company's representative in Tehran expressed the desire of his Government to avail themselves of the experience and technical knowledge of the Anglo-Iranian Oil Company, the Imperial Government took no advantage whatsoever of the presence of the Delegation which the Company recently sent out for discussions. Moreover the recent actions of the Iranian authorities have constituted serious interference in the normal workings of the Company's operations. The Company's offices in Tehran have been occupied by the Iranian authorities, the Company's manager at Kermanshah has been forcibly restrained from carrying out his functions, and in Khuzistan interference of all kinds with the Company's operations has been made and is continuing. Incitements have been addressed to the Company's staff to transfer their allegiance to the National Iranian Oil Company, inflammatory and provocative speeches have been made by members of the Persian Government delegation in the oil areas and a campaign of misrepresentation against the Company has been undertaken by Tehran radio and through the Press.

The Iranian authorities in Abadan have refused to allow tankers

¹ Cmd. 8425, pp. 43-44.

² See above, p. 486.

³ This should read '30 May'. See above, p. 493.

calling at that port to load and export oil unless they sign receipts implying that this oil was the property of the National Iranian Oil Company. When the Company's General Manager, Mr. Drake, instructed British Tanker Company tanker masters, when signing the same receipts, to add an endorsement reserving the legal rights of the Company over the oil in question, he was informed in a letter dated 23rd June from the Temporary Board of National Iranian Oil Company that these actions on his part amounted to 'sabotage.' His Majesty's Government have observed that under the terms of a so-called antisabotage Bill which has now been introduced into the Majlis, persons accused of sabotage would be liable to trial before a military court and to penalties up to and including death. Your Excellency will have noted that in the statement which I made in the House of Commons on 26th June, a copy of which has been communicated to you, I rejected in advance in the name of His Majesty's Government any suggestion that accidents resulting from interference in the work of the Company's operations could be ascribed to 'sabotage.' His Majesty's Government, as your Excellency is aware, has made application to the International Court of Justice in regard to the action of the Imperial Government in attempting to enforce against the Anglo-Iranian Oil Company in breach of the latter's 1933 Concession Agreement the implementation of the Iranian Nationalisation Laws. Until this case has been heard the matter must be regarded as being sub judice. In the view of His Majesty's Government, the crude oil and refined products produced by the Anglo-Iranian Oil Company are the property of that Company. They cannot therefore admit that masters of tankers in which this oil is exported should be forced to sign a receipt the purport of which is to acknowledge a different ownership of the oil. Since Iranian authorities were apparently unwilling to agree that any endorsement should be added to such receipts reserving the Company's legal rights in this respect, it has been necessary to withdraw from Abadan all tankers already there and to advise other tankers not to proceed thither unless and until the attitude of the Iranian authorities is modified.

Since storage capacity at Abadan is limited this must mean that the Abadan refinery will have to close down as soon as existing storage capacity for refined products is full, and the flow of crude oil from the oilfields will soon have to cease. The British personnel in the oilfields will accordingly be temporarily withdrawn therefrom into Abadan as and when their presence in the fields is no longer required.

His Majesty's Government wish to place on record that the responsibility for withdrawal of tankers and progressive closing down of the Company's installations with consequent loss of revenue to Iran and large-scale unemployment amongst Iranian workers, results solely from

the present attitude of the Imperial Government which has not only refused repeated offers to negotiate but has persisted in pursuing, without proper study or previous consultations, a course of action which must have the gravest consequences. They find it difficult to believe that the Imperial Government, even at this late hour, will not recognise the unwisdom of their intransigence.

Finally I must once more remind your Excellency that the Imperial Government are responsible under International Law for the protection of all British subjects in Iran. Should they fail in this respect, they alone will be responsible for the consequences.'

I have the honour to request your Excellency to convey the above message to his Excellency the Prime Minister.

I avail, &c.

F. M. SHEPHERD.

(viii) The Harriman Mission

(a) Letter from President Truman to Dr. Musaddiq, offering to send Mr. Averell Harriman to Tehrān to discuss the situation, 8 July 1951¹

I am most grateful to Your Excellency for giving me in your recent letter² a full and frank account of the developments in the unhappy dispute which has arisen between your Government and the British oil interests in Iran. This matter is so full of dangers to the welfare of your own country, of Great Britain, and of all the free world, that I have been giving the most earnest thought to the problems involved. I had hoped that the common interests of the two countries directly involved and the common ground which has been developed in your discussions would open the way to a solution of the troublesome and complicated problems which have arisen. You know of our sympathetic interest in this country in Iran's desire to control its natural resources. From this point of view we were happy to see that the British Government has on its part accepted the principle of nationalization.

Since British skill and operating knowledge can contribute so much to the Iranian oil industry I had hoped—and still hope—that ways could be found to recognize the principle of nationalization and British interests to the benefit of both. For these reasons I have watched with concern the breakdown of your discussions and the drift toward a collapse of oil operations with all the attendant losses to Iran and the world. Surely this is a disaster which statesmanship can find a way to avoid.

Recently I have come to believe that the complexity of the problems

¹ Department of State Bulletin, 23 July 1951, pp. 129-30.

² Ibid. 9 July 1951, pp. 72-73.

involved in a broad settlement and the shortness of the time available before the refinery must shut down—if the present situation continues—require a simple and practicable modus vivendi under which operations can continue and under which the interests of neither side will be prejudiced. Various suggestions to this end have failed. The time available is running out.

In this situation a new and important development has occurred. The International Court of Justice, which your Government, the British Government, and our own, all joined with other nations to establish as the guardian of impartial justice and equity, has made a suggestion for a modus vivendi.¹

Technical considerations aside, I lay great stress on the action of the Court. I know how sincerely your Government and the British Government believe in the positions which you both have taken in your discussions. However, I am sure you believe even more profoundly in the idea of a world controlled by law and justice which has been the hope of the world since the San Francisco conference. Apart from questions of jurisdiction, no one will doubt the impartiality of the World Court, its eminence, and the respect due to it by all nations who signed the United Nations treaty.

Therefore, I earnestly commend to you a most careful consideration of its suggestion. I suggest that its utterance be thought of not as a decision which is or is not binding depending on technical legal considerations, but as a suggestion of an impartial body, dedicated to justice and equity and to a peaceful world based upon these great conceptions. A study of its suggestion by your Government and by the British Government will, I am sure, develop methods of implementing it which will carry out its wise and impartial purpose—maintaining the operation of the oil industry and preserving the positions of both Governments. Surely no government loses any element of its sovereignty or the support of its people by treating with all possible consideration and respect the utterance of this great Court. Our own Government and people believe this profoundly. Should you take such a position I am sure that the stature of Iran would be greatly enhanced in the eyes of the world.

I have a very sincere desire, Mr. Prime Minister, to be as helpful to you as possible in this circumstance. I have discussed this matter at length with W. Averell Harriman who, as you know, is one of my closest advisers and one of our most eminent citizens. Should you be willing to receive him, I should be happy to have him go to Tehran as my personal representative to talk over with you this immediate and pressing situation.

May I take this opportunity to assure Your Excellency of my highest consideration and to convey to you my confidence in the future well-being and prosperity of Iran.

(b) Dr. Musaddiq's reply, accepting President Truman's offer, 11 July 19511

I have the honor to acknowledge receipt of your friendly message of 8th July handed to me by His Excellency the Ambassador of the United States in Tehran just after the Government of Iran had taken its decision with regard to the findings of the International Court of Justice at The Hague. I deem it my duty to thank you once again, Mr. President, for the care you have always taken in the welfare of this country.

As I mentioned in my previous letter, the Government and people of Iran recognize the Government and the people of the United States as the staunch supporters of right and justice and appreciate therefore, with complete sincerity, the interest you are taking in the solution of the economic difficulties of Iran in general and in the oil question in particular.

I am extremely glad to note your reference, Mr. President, to the sympathy and interest of the American Nation in the realization of Iran's national aspirations and the acceptance of the principle of nationalization of the oil industry; for Iran has had and is having no aim other than the acceptance of this principle by virtue of the laws ratified by the two Houses of Parliament, and has always been ready, within the terms of these laws to take any measures for the removal of the present disputes. It is, therefore, a matter of great regret that, insofar as Iran can judge, no proposal or suggestion have been made, up to the present, by the former oil company denoting their acceptance of the principle of nationalization of the oil industry in accordance with the laws ratified by the Parliament—laws which the Government is duty bound to put into force. On the contrary, in their note of 29th June,² the representatives of the former oil company made proposals which were against the provisions of these laws and which resulted in the termination of the discussions.

Provided, of course, that our indisputable national rights are respected in accordance with the laws concerning the nationalization of the oil industry, the Government and the people of Iran are ready to enter into immediate discussions with the aim to remove all the disputes so that there may be no stoppage in the production and exploitation of oil—a situation which the Government of Iran has always been anxious to avoid and which, as you have mentioned, Mr. President, is causing losses to all concerned.

With reference to your desire, Mr. President, to help our country I must state without hesitation that the Iranian Nation and Government fully appreciate this high intent in all sincerity and candor, more so when they find that you have shown your readiness, Mr. President, to send to Tehran as your special representative Averell Harriman, one of the most distinguished American citizens, for consultations.

In the light of our knowledge of Mr. Harriman's personality and his

¹ Department of State Bulletin, 23 July 1951, p. 130.

² This should read '19th June': see Cmd. 8425, p. 42.

vast experiences, and considering the fact that he will act as your representative, the Iranian Government welcomes this gesture and hopes to take full advantage of consultations with a man of such high standing. In the meanwhile it would also give him the opportunity to become directly acquainted with our views and to obtain first-hand knowledge of our living conditions and requirements.

May I avail myself of this opportunity to offer you, Mr. President, the

expressions of my best and most sincere regards.

(c) The Harriman Formula—resolution of the Persian Cabinet containing proposals as a basis for discussion, presented to Mr. Harriman for transmission to the British Government, 23 July 1951¹

The Council of Ministers and the Mixed Oil Commission in their meeting of 31st Tirmah (23rd July, 1951), held at the residence of his Excellency, Dr. Musaddiq, the Prime Minister, approved the following formula:—

1. In case the British Government on behalf of the former Anglo-Iranian Oil Company recognises the principle of nationalisation of the oil industry in Iran, the Iranian Government would be prepared to enter into negotiations with representatives of the British Government on behalf of the former Company.

2. Before sending representatives to Tehran the British Government should make a formal statement of its consent to the principle of nationalisation of the oil industry on behalf of the former Company.

3. By the principle of nationalisation of the oil industry is meant the proposal which was approved by the Special Oil Committee of the Majlis and was confirmed by the law of Esfand 29, 1329 (20th March, 1951), the text of which proposal is quoted hereunder:

'In the name of the prosperity of the Iranian nation and with a view to helping secure world peace we the undersigned propose that the oil industry of Iran be declared as nationalised throughout all regions of the country without exception, that is to say, all operations for exploration, extraction and exploitation shall be in the hands of the Government.'

In this connexion for Mr. Harriman's further information a copy of the note which the representatives of the former oil company submitted to the Iranian Government on their method of accepting the principle of the nationalisation of the oil industry, which note was not accepted, is being herewith enclosed.²

4. The Iranian Government is prepared to negotiate the manner in which the law will be carried out in so far as it affects British interests.

¹ Cmd. 8425, pp. 52-53.

² Ibid. p. 42.

(d) Note from the British Government to the Persian Government, acknowledging the Harriman Formula and announcing the dispatch of a Government mission to Persia,

3 August 1951¹

M. le Ministre,

I have the honour to inform your Excellency on instructions from my Government that they have received through Mr. Harriman the Imperial Government's formula for negotiations between the Imperial Government and His Majesty's Government on behalf of the Anglo-Iranian Oil Company and for discussion on matters of mutual interest to the two Governments.

- 2. His Majesty's Government are desirous of availing themselves of this formula and are prepared to negotiate in accordance with it, but it will be appreciated by the Imperial Government that negotiations which His Majesty's Government for their part will enter into with the utmost goodwill cannot be conducted in a satisfactory manner unless the present atmosphere is relieved. On the assurance that the Imperial Government recognise this fact and will enter into discussions in the same spirit a mission headed by a Cabinet Minister will immediately set out.
- 3. His Majesty's Government recognise on their own behalf and on that of the Company, the principle of the nationalisation of the oil industry in Iran.

I avail, &c.

G. H. MIDDLETON.

(e) Proposals submitted to the Persian Government by the Lord Privy Seal, Mr. Richard Stokes, 13 August 19512

Outline of suggestions submitted by the British delegation without prejudice to any party concerned

- I. The Anglo-Iranian Oil Company will transfer to the National Iranian Oil Company the whole of its installations, machinery, plant and stores in Iran. As regards the assets in southern Iran compensation by the National Iranian Oil Company to the Anglo-Iranian Oil Company would be included in the operating costs of the oil industry in the area. Compensation for the assets used in the past for distribution and marketing in Iran will be dealt with under the separate arrangements suggested in paragraph 7 below.
- 2. A Purchasing Organisation will be formed in order to provide the assured outlet for Iranian oil which is the only basis upon which an oil industry of the magnitude of that of Iran could hope to maintain itself. This will be done by means of a long-term contract, say 25 years, with the

¹ Cmd. 8425, p. 53.

² Ibid. pp. 54-55.

National Iranian Oil Company for the purchase f.o.b. of very large quantities of crude oil and products from southern Iran.

3. Apart from this arrangement the National Iranian Oil Company would be able to make additional sales of oil subject to the normal commercial provision that such sales should be effected in such a way as not to

prejudice the interests of the Purchasing Organisation.

4. The Purchasing Organisation under the agreement will be placing at the disposal of the National Iranian Oil Company a world wide transportation and marketing service, including one of the largest tanker fleets in the world, and will be entering into firm commitments with its customers for the fulfilment of which it will be relying on Iranian oil. It will, therefore, as a matter of normal commercial practice, have to assure itself that oil in the necessary quantities and qualities will come forward at the times required. In order to secure this objective the Purchasing Organisation will agree with the National Iranian Oil Company an Organisation which, under the authority of the National Iranian Oil Company, will manage on behalf of the National Iranian Oil Company the operations of searching for, producing, transporting, refining and loading oil within the area. The Purchasing Organisation will arrange from current proceeds the finance necessary to cover operating expenses.

5. In order that the proposed Purchasing Organisation can be induced to commit itself to the purchase of large quantities of Iranian oil over a long period of years, the commercial terms must be not less advantageous than the Purchasing Organisation would secure elsewhere either by purchase or development. In effect this means that the Purchasing Organisation would buy the oil from the National Iranian Oil Company at commercial prices f.o.b. Iran less a price discount equal in the aggregate to the profit remaining to the National Iranian Oil Company after allowing for the discount and for the costs of making the oil available to the Purchasing Organisation.

- 6. In the event of the foregoing suggestions being accepted by the Iranian Government as a basis for the future operation of the oil industry in southern Iran it is suggested that they should be expanded into the Heads of an Agreement which could later be developed into a detailed purchasing arrangement between the Iranian Government and the proposed Purchasing Organisation. The Heads of Agreement would also provide for the immediate resumption of operation in southern Iran on an interim basis.
- 7. It is suggested that all the assets owned by the Kermanshah Petroleum Company, Limited, which produces and refines oil for consumption in Iran together with the installations, machinery, plant and movable assets of the Anglo-Iranian Oil Company which have been used in the past for distribution and marketing of refined products within Iran should be transferred to the Iranian Government on favourable terms.

8. There will be Iranian representation on the board of directors (or its equivalent) of the Operating Organisation, which will of course only employ non-Iranian staff to the extent that it finds necessary to do so for the efficiency of its operations. It will also offer its full co-operation to the National Iranian Oil Company in any programme of training on which the latter may wish to embark.

(f) Persian reply rejecting the proposals, 18 August 19511

The Persian delegation does not consider that the proposals for the future operation of the oil industry in the South, which the British delegation acting on behalf of the former oil company submitted to the Persian delegation, conform to the definition of nationalisation of oil industry stipulated in Persian Law and which formed part of the formula put forward by Mr. Harriman and accepted by His Majesty's Government and the former Oil Company.

According to this formula, nationalisation of oil industry is defined as meaning that all exploration, extraction and exploitation operations are in the hands of the Persian Government. But the principles proposed by the British delegation would not only take out of the hands of the Persian Government a substantial part of the powers of management of the oil industry, but would also revive the former Anglo-Iranian Oil Company in a new form.

Leaving out certain minor points, the main headings proposed by the British delegation and arguments which are now put forward on various subjects are as follows:—

1. Purchasing Organisation.—In these proposals, the establishment of a Purchasing Organisation, for the export of Persia's oil, is envisaged. This organisation would enter into a long-term contract, say for 25 years, with the Persian National Oil Company. This organisation would buy Persian oil in very large quantities in such a way as to approximate to a monopoly.

Although provision is made in article 3 of the British delegation's memorandum for the Persian National Oil Company to be able to engage in additional transactions for the sale of oil, nevertheless the condition is imposed that these transactions must be carried out in such a way that they shall not prejudice the interests of the Purchasing Organisation.

The Persian Government is ready to sell to England, on a basis of ordinary commercial contracts, oil products in the quantity which has been supplied in recent years for British consumption. The Persian Government cannot, however, accept a situation approximating to a monopoly for the sale of oil.

2. Price of oil and division of profits.—In the British delegation's memo-

randum it is suggested that the Purchasing Organisation shall buy oil from the Persian National Oil Company at commercial Persian ports (f.o.b.) at prices subject to a discount in such a way that the Persian National Oil Company will receive, after payment of production expenses and amortisation of compensation, a residuary profit equivalent to profit accruing to the Purchasing Organisation, in consequence of this discount; in other words, that profit of Persian National Oil Company shall be divided 50–50 with the Purchasing Organisation.

The basis of a price discount and a division of profits is unacceptable to the Persian Government. In addition it does not accord with the normal commercial practice, because Purchasing Organisation which buys oil at Persian ports (f.o.b.) prices and takes into account its transport, insurance and distribution of costs, and its profits at price in which it sells in consuming markets, has no further justification for requesting a discount on f.o.b. price in such a way that half the profits of production of oil should accrue to suggested Purchasing Organisation.

3. The operating Organisation.—The third important point of British delegation's memorandum is that Purchasing Organisation will, in collaboration with National Iranian Oil Company, come to an agreement about the creation of an Operating Organisation. This Organisation will, under the authority of the National Iranian Oil Company, administer operations of exploration, production, transportation, refining and shipment of oil in the area. The Persian Government will be represented in this Organisation.

The Persian Government is convinced that such an organisation is clearly contrary to the principles of nationalisation of the oil industry, constituting a limitation of the sovereign rights of Persia and reviving former Anglo-Iranian Oil Company under a new guise. In addition, a similar proposal with minor differences, and even in a more favourable form, was submitted by the delegation of the former Anglo-Iranian Oil Company. This proposal was rejected by the Persian Government and this fact was set forth in fourth section of the formula presented to Mr. Harriman and submitted to the British Government.

The Persian Government is conscious of its need for the presence of experienced foreign specialists for the effective administration of oil. It also realises that it is necessary that these experts responsible for oil operations, which they will conduct for the Government and National Iranian Oil Company, should have authority and sufficient freedom of action in respect of executive and technical matters. The Persian Government will also give experts the necessary powers according to the laws and internal ordinances of Persia and in accordance with individual agreements which have been entered into with them. The Persian Government is not, however, prepared to hand over control of oil operations to a foreign organisation or to restrict sovereignty of Persia.

4. Transfer of Company's properties and method of payment of compensation.—In paragraph 1 of the British delegation's proposals it is provided that the former Anglo-Iranian Oil Company will transfer all its installations, machinery, apparatus and equipment in Persia to National Iranian Oil Company and, in the case of assets situated in South Persia, the compensation to be paid to the former Anglo-Iranian Oil Company by National Iranian Oil Company will be counted as part of expenses of running oil industry in that area.

In the case of assets of Kermanshah oil and similarly all installations, machinery, apparatus and movable property of the former Anglo-Iranian Oil Company, which in the past was used for marketing of refined products in Persia, it is provided in paragraph 7 that these properties will be transferred to the Persian Government on favourable terms.

As regards compensation, as has been explained repeatedly and is now stated again, the assets of the former Company have been vested in the Persian Government by virtue of law for nationalisation of Oil Industry. The Government is ready to investigate fully and fairly the just claims of the former Anglo-Iranian Oil Company, taking into consideration the claims which the Persian Government has against the Company, and in respect of its assets in Persia and outside Persia, at last settling these claims after the rights of both parties have been established.

By the explanations which have been given, it is proved that proposal of British delegation is not consistent with the sense of the formula submitted by the Persian Government and if at least British delegation will consider objections and criticisms of the Persian delegation, this delegation, as it has repeatedly said and proved in practice, will welcome most warmly the continuation of negotiations.

(g) Letter from Dr. Musaddiq to Mr. Harriman, asking him to transmit further Persian proposals to the British Government, 12 September 19511

The Saheb Gharanieh Conference which came into existence as a result of Your Excellency's endeavours and good will and in which the Iranian Government and people had lodged their complete faith unfortunately did not produce the desirable results. Subsequent to this His Excellency Mr. Stokes and Your Excellency left Iran on August 22 and 24 respectively, and the negotiations were declared to be suspended in spite of the fact that in my last meeting with Mr. Stokes I gave him in writing the viewpoints of the Imperial Iranian Government and His Excellency promised to give due consideration to the same and inform me about his views from London. While the Iranian Government expected that the negotiations would be started on the basis of the viewpoints submitted to him unfortunately we have been kept in suspense up to the present. It is even said that they are

¹ Department of State Bulletin, 1 October 1951, pp. 547-8.

expecting new proposals from us in London. This state of suspense which has lasted has become intolerable.

. Since Your Excellency representing His Excellency, the President of the United States of America, has arranged the negotiations between Iran on the one hand and the British Government representing the former Anglo-Iranian Oil Company on the other, and on your departure from Tehran and later in London and Washington has kindly proposed your voluntary cooperation, hence the Iranian Government ventures to offer the present proposals through Your Excellency with a request of their immediate transmission to the British Government as the representative of the former Anglo-Iranian Oil Company.

Firstly, as Your Excellency is well aware the main point of difference which had appeared during the last days of negotiations concerned itself with the management of the National Oil Company of Iran. Mr. Stokes suggested that either an operating agency or a British General Director should have charge of the management of the oil industry in the south of Iran. While the Iranian Government could not give its accord to such a proposal because according to the formula which had been submitted by Your Excellency to the British Government and both the Iranian and the British Governments had agreed with the same it was obvious that all the exploration, extraction and exploitation activities should be in the hands of the Iranian Government, and to accept any proposal contrary to the said formula would be looked upon as submission to a revival of the former Anglo-Iranian Oil Company under a new guise.

The Iranian Government does not deny the fact of its need of a foreign technical staff and also the fact that such technical men need to have sufficient autonomy and liberty of action which would be conducive to the best management of the industry. The former Anglo-Iranian Oil Company was divided into various departments having at the head of each department foreign experts with necessary and proper liberty of action. The Iranian Government has in mind to keep the same organization insofar as it does not contradict the terms of the Nationalization Law and to employ the managers and the responsibles of technical sections in the National Oil Company with the same amount of authority which they have enjoyed previously. Furthermore, in order to keep pace with the technical advance of the modern world in the line of oil technology the Imperial Iranian Government is prepared to take advantage of the expert knowledge of foreign technicians from neutral countries and to provide in the organization law of the National Company the existence of a mixed executive board composed of such experts and the Iranian specialists who would jointly manage the administrative and technical affairs of the National Oil Company of Iran.

Secondly, while it has been repeatedly stated that the Iranian

Government has never intended and is not intending to confiscate the properties of the former company yet it proposes the following three methods for an equitable settlement of the just claims of the former Anglo-Iranian Oil Company with due regard to the claims of the Imperial Iranian Government.

- (A) The determination and the amount of compensation to be based on the quoted value of the shares of the former company at the prevailing quotations prior to the passage of the Oil Nationalization Law.
- (B) The rules and regulations relative to nationalization in general which have been followed in democratic countries to be regarded as a basis for the determination and the amount of compensation.
- (C) Or any other method which may be adopted by mutual consent of the two parties.

Thirdly, with reference to the sale of oil as we have been informed Britain has been using about 10 million tons of Iranian oil per year for its internal consumption, the Iranian Government declares its readiness to sell this amount of oil for a period agreed upon by mutual consent of both parties every year at the prevailing international prices on the basis of the f.o.b. value in Iranian port.

Fourthly, one of the proposals of His Excellency, Mr. Stokes, was the transport of Iranian oil by a company which he proposed. It must be said that we can agree to deliver the fixed amount of oil which is sold to Great Britain to any company or transport agency of their designation. The aforesaid points are to be regarded as a basis for starting new negotiations and the Iranian Government hopes that eventually an agreement may be reached.

The Iranian Government and people can no longer tolerate this state of suspension because on the one hand there are a great number of British experts in Abadan who are prevented by the former Anglo-Iranian Oil Company to be employed by the National Oil Company of Iran and the Iranian Government therefore with all its good intentions and expectations to arrive at a mutually satisfactory conclusion has so far abstained from employing experts from other countries. On the other hand so long as the existing differences have not been removed and certain employees of the former Anglo-Iranian Oil Company cause new agitation everyday and create misunderstandings in the relations between the two governments of Great Britain and Iran, it is quite obvious that other countries will not be ready to send their experts to Iran and enter into transactions for the purchase of oil with us. It must be pointed out that as a result of this confused state of affairs and the derangements in the economic and financial affairs of the country in addition to the enormous maintenance costs of the oil industry imposed on our budget, we cannot endure such a situation for a long time and the Iranian Government because of its great

responsibility deems it necessary to bring to a close this period of uncertainty. Hence if in the lapse of 15 days from the date at which this present proposal is submitted to the British Government no satisfactory conclusion is achieved, the Imperial Iranian Government regrets to state its compulsion to cancel the residence permits held by the British Staff and experts now residing in the southern oil fields.

(h) Mr. Harriman's reply, refusing the Persian request, 15 September 19511

Your Excellency's message of September 12 has been communicated to me by the Iranian Ambassador. I share your regret that the discussions between the Iranian Government and the British delegation under Lord Privy Seal Stokes did not culminate in an agreement upon a settlement of the oil controversy. I know that the continued interruption to the production and shipment of Iranian oil imposes a very considerable hardship upon the economy of Iran as it does upon the economy of Great Britain. The United States and the entire free world looked anxiously upon these discussions in the hope that some solution could be found which would satisfy the legitimate interests of both parties.

I assure Your Excellency that I continue to stand ready to assist in any way that I can in finding a just solution. In my efforts thus far I have endeavored to be frank and objective in the advice that I have given to the Iranian Government, as well as to the British Government. It is in this objective and friendly spirit, and in an effort to be helpful to you in arriving at a settlement, that I should like to comment upon the substance of your communication.

With reference to the proposals in general, I should say at the outset that they appear to be the same as proposals made by the Iranian Government during the course of the negotiations in Tehran, which the British Mission did not accept since they did not conform to practical and commercial aspects of the international oil industry. In some respects the proposals in fact represent a retrogression from the positions taken during the discussions.

Your Excellency has suggested that the various departments of the Anglo-Iranian Oil Company be retained, insofar as this does not conflict with the terms of the Nationalization Law, and that the managers and other responsible personnel of the technical sections be employed in the National Oil Company of Iran with the same authority which they enjoyed previously. You have also stated that the Iranian Government is prepared to create a mixed executive board composed of Iranian and neutral foreign technicians who would jointly manage the administrative and technical affairs of the National Oil Company of Iran.

In discussing this possibility during the negotiations in Tehran, I

Department of State Bulletin, 1 October 1951, pp. 548-50.

endeavored to point out to the Iranian representatives the impracticability of attempting to operate a large and complex industry on the basis of a number of section heads reporting to a board of directors, with no single individual being given executive authority. I believe that no organization can operate effectively in this manner and I understood Mr. Stokes' position in Tehran to be that the British would not consider it workable. Moreover, I have pointed out that effective operations, particularly of a refinery of the size and complexity of that in Abadan, require the employment of an integrated organization rather than the employment of individual foreign specialists. Competent technicians would not themselves consent to employment except under conditions satisfactory to them. Such conditions would include assurance that the industry was under capable management and operated in a manner which would assure safety and efficiency.

Your Excellency has expressed concern that the arrangements for the operation of the oil industry must take into account the requirements of the Nationalization Law. I am convinced that arrangements are possible which would meet this objective and at the same time would assure that the oil industry is conducted on an efficient basis. During our visit in Tehran Mr. Levy and I discussed with Iranian officials arrangements under which a competent organization could be employed to operate under the control of the National Oil Company of Iran. Such arrangements are a common business practice throughout the world.

Your Excellency has reiterated that the Iranian Government has not intended and does not intend to confiscate the property of the Anglo-Iranian Oil Company and has suggested methods for the determination of the amount of compensation.

While I have no comments upon your suggestions for determining the value of the assets, it is obvious that payment of compensation must depend upon and will be affected by arrangements for the efficient operation of the oil industry to assure that the products continue to be made available for sale to world markets. As I have pointed out to Your Excellency, in the view of the United States Government the seizure by any government of foreign-owned assets without either prompt, adequate and effective compensation or alternative arrangements satisfactory to the former owners is, regardless of the intent, confiscation rather than nationalization. There must be more than a willingness to pay; there must be the ability to do so in an effective form. I believe, however, that if arrangements for the sale of oil are made with the British interests the compensation problem could be worked out satisfactorily and that the net oil income accruing to Iran could be as large as that of any other oil-producing country under comparable circumstances.

Your Excellency has stated that the Iranian Government is prepared

to sell to the British ten million tons of oil per year, this quantity representing an estimate of Iranian oil previously used in Great Britain. It is specified that sales would be at prevailing international prices on the basis of the f.o.b. value at Iranian ports. It is also stated that this oil would be delivered to any company or transport agency designated by the British.

As I pointed out to Your Excellency in Tehran, in order to be assured of continuous sales of substantial quantities of its oil in world markets Iran must make arrangements with customers that can make available large transportation and distribution facilities for marketing it on a world-wide basis. Potential customers would not make such arrangements unless they could obtain Iranian oil on a basis as favorable as that on which they could buy or develop oil in other producing countries. This, of course, is a practical business consideration. It is also true that only those who have developed markets for Iranian oil are in a position to commit themselves for its purchase in the large quantities produced.

The production of Iranian oil before the present controversy arose amounted to some 30 million tons per year. The major portion of this production was handled by British concerns and affiliates which have developed markets for it throughout the world. Only they have the great transportation facilities needed to carry the oil from Iran to its markets, where only they have the necessary distribution facilities for it. Arrangements, including financial terms, for the sale of only that portion of the oil which previously went to Great Britain would leave the problem of shipping to and distribution in other parts of the world unsolved, and would force the British interests to develop other sources of supply.

During the negotiations in Tehran the Iranian Government indicated its willingness to consider a long-term contract for the sale of Iranian oil to an organization acting on behalf of former purchasers of the products. Under this suggestion, that portion of the industry's output which was not covered by this contract could be sold directly by the National Oil Company of Iran to its own customers. Your Excellency's present suggestion would indicate that there has been a change in this position.

Your Excellency, in pointing out that the suspension of negotiations with the British and the shutdown of the Iranian oil industry have created a serious situation in Iran, has stated that if a satisfactory conclusion is not achieved within 15 days from the date on which your proposal is submitted to the British Government the Iranian Government intends to cancel the residence permits held by the British staff and experts now residing in the southern oilfields.

As I have pointed out to Your Excellency, the proposals which you have set forth in your communication do not represent an advance from the positions taken in the discussions in Tehran and in some respects appear to be the opposite. I believe that the problem with which Iran and Great

Britain are confronted can be settled only by negotiations based upon recognition of the practical business and technical aspects of the oil industry and based upon mutual good will between the parties. Such a settlement, which would attain Iranian aspirations for control of the oil industry within Iran, is, I am convinced, possible and feasible in accordance with the discussions we have had in Tehran and the comments I have made. However, I consider that my passing your communication to the British Government would militate against a settlement, particularly in view of the position taken regarding the expulsion of the British employees in southern Iran, a position I believe will only further aggravate an already serious situation.

As a sincere friend of Iran, I earnestly hope that Your Excellency will reconsider the points set forth in your communication and that a basis can be developed under which negotiations can soon be resumed. I want to tell Your Excellency how much I appreciate your communicating with me on this matter. As stated earlier, I am anxious to be as helpful as circumstances permit, but for the reasons I have set forth I regret that it is not possible for me to meet your request in this particular instance.

(ix) Document handed by the Persian Minister of Court, M. Husain 'Alā, to Sir Francis Shepherd, 19 September 1951'

Since the Iranian Government is making efforts to make arrangements within the limits of the law so that the nationalisation of the oil industry in Iran may not injure the British Government and nation, and with a view to solving in a just manner as soon as possible the problems raised as a result of the nationalisation of oil, it gives herein below the outline of its final views. The main points for discussion are as follows:—

- (I) Examination of compensation for the former oil company, and the Iranian Government's claims.
- (II) The sale of oil to the British Government.
- (III) Conclusion of contracts with foreign experts.
- (IV) Transportation of oil.
- 1. The examination of compensation for the former oil company and the Iranian Government's claims

The Iranian Government is prepared to settle the rightful claims of the former company, with due regard to the claims of the Iranian Government in one of the three following ways.

- (a) On the basis of the value before the oil nationalisation law.
- (b) According to the laws and procedures followed in any other country

where industries have been nationalised, and the former oil company considers such law and procedure to be most to its interest.

(c) Or in any other way agreed to by both parties.

2. The sale of oil to the British Government

The Iranian Government is prepared to sell yearly to the British Government the same quantities of oil purchased previously by the British Government and people at the prevailing international rates on the basis of the f.o.b. value at any Iranian port according to a long-term contract. The British Government can appropriate 50 per cent. of the value of the oil purchased by them in the way of compensation settlement mentioned in paragraph 1 of this communication.

3. The conclusion of contracts with foreign experts

The National Oil Company of Iran will retain and need foreign experts, with the same amount of salaries and allowances which they have been receiving in the former oil company, and will conclude contracts with each one of them. In order to keep intact the administrative organisation of the former oil company, with a view to preventing any possible interruptions in that great industry, it is proposed to retain all the rules and regulations, whether administrative or technical, which have been in force previously (save those contrary to the Oil Nationalisation Law). All the technical and administrative departments shall continue their duties as before and shall be managed by technicians, either foreign or Iranian, who would have sufficient authority to give them freedom of action in conducting their work. Furthermore at the head of the extraction and refinery organisations a technical director of foreign nationality (whose nationality shall be designated later by the Iranian Government) shall be appointed, this technical director—who shall be a functionary of Iran and shall act as a liaison officer between the foreign technicians and the board of directors shall discharge his duties under the direct control of the Board of Directors of the National Oil Company of Iran.

4. The transportation of oil

The National Oil Company of Iran will deliver the oil to one or more agencies designated by former customers. The Iranian Government, as has been repeatedly stated, is prepared to settle the above-mentioned problems through negotiations and is waiting to hear your views, in case you agree to the opening of negotiations on the basis of this communication, so that the said negotiations may start after the lapse of one week from the date of the transmission of this communication.

B 3185

(x) Reply from Sir Francis Shepherd rejecting the Persian document, 22 September 19511

Dear Mr. Ala,

At the audience which His Imperial Majesty the Shah was good enough to grant me on 17th September His Majesty informed me that His Prime Minister was anxious to reopen negotiations on the oil question. Although the suggestions from the Prime Minister which His Majesty conveyed to me did not appear to me to hold out any real hope of a reasonable basis for negotiations I agreed in deference to His Majesty that if the Iranian Government would put their proposals in writing I would forward them to my Government.

Your Excellency left with me on the evening of 19th September a communication which, I must point out, is not drawn up on official paper and is neither dated nor signed. This paper does not constitute any advance on, but rather a retrogression from, the previous attitude of the Iranian Government: nor does it appear to take into account the views expressed by Mr. Harriman. It does not contain the points which His Majesty gave me to understand Dr. Musaddiq was now putting forward, and indeed the main lines of this paper have already been answered in the letter addressed by Mr. Harriman to Dr. Musaddiq,² with which His Majesty's Government are in full agreement.

I regret therefore to have to inform you that His Majesty's Government cannot regard the paper as an official document nor can they regard its contents as constituting a basis on which they would be justified in resuming negotiations.

F. M. SHEPHERD.

3. British evacuation of Abādān

(i) Extract from a speech in the House of Commons by Mr. Winston Churchill, Leader of the Opposition, 30 July 1951³

Now I turn to Persia. The right hon. Gentleman [Mr. Morrison] told us nothing new about Persia. The newspapers seem well informed, and I base myself on them. It is necessary for those on either side of the House to make their position clear. Judged by every standard, the conduct of the Persian Government has been outrageous, but this must not lead us to ignore what is fair and equitable in the Persian case. In February, 1948, when Sir Stafford Cripps appealed for dividend restraint—we seem to go round that circle still—the Anglo-Iranian Oil Company was earning about 150 per cent. and paying 30 per cent. As payments by the company to Persia were in part proportional to the distributed profits, this had the effect of keeping down the amount received by the Persian Government, not on

¹ Cmd. 8425, pp. 65-66. ² See above, p. 509. ³ H.C. Deb. 5th ser. vol. 491, coll. 989-95.

commercial merits but because of the domestic policy of the British Government. All this was put before the House in June by my right hon. Friend the Member for Warwick and Leamington (Mr. Eden). I must repeat what he said then: 'As they'—the Persian Government—'saw it, the company was earning 150 per cent. or thereabouts but they were still paying 30 per cent. His Majesty's Government were getting a good rake-off, not as a shareholder but from taxation.' [Official Report, 21 June 1951; c. 758, vol. 489.]

It was quite clear from the moment this situation developed, and indeed before it, that new proposals must be made to the Persian Government. In 1949, negotiations between the Anglo-Iranian Oil Company and the Persian Government ended in a Supplemental Agreement, which was signed in 1949. Meanwhile, an agreement had been made in Saudi Arabia on a 50-50 basis by the American company which has been tactfully renamed 'Aramco.' Just watch that a little. It is as if we had changed the name of our company to 'Persanglo.' There is nothing like studying the customer.

The Supplemental Agreement of 1949—to quote the Foreign Secretary a few days ago—offered

'a more advantageous return for a ton of oil than was now enjoyed by any Middle Eastern Government.'

Nevertheless the agreement was not ratified by the Persian Government for 18 months, and General Razmara, the Persian Prime Minister, who favoured it, was murdered on 17th March. The fall of British prestige in the Near and Middle East, particularly as a result of Anglo-Egyptian relations, must be considered as the main reason why this beneficial measure was not accepted, as it deserved to be. It is also a reflection on the British Government that they were not more active or more effective in pressing this matter from here, during the long interval of 18 months in 1950 and even before the end of 1949.

Then was the time to send a British Minister of the Crown to the spot. Then was the time to try to form with the United States a properly-conceived joint or harmoniously-co-ordinated policy; but the Foreign Office had fallen into the disarray to which I have referred, and which I believe was caused by the illness of Mr. Bevin. It had not the acumen, at any rate, or the ability to enable the Department to benefit from the accumulated experience of the old Foreign and Political Department of the Government of India, whose personnel they had absorbed. . . .

I have before pointed out to the House the different characters of the responsibility borne by the Executive Government and the Parliamentary Opposition. This presents itself in the sharpest form where military operations are in question. It is not the duty of the Opposition to suggest or demand specific military operations. They do not know what are the

forces available, nor what course of action the Government are pursuing. It has well been said—I think, by Lord Lansdowne, although I have not been able to verify this—that an Opposition may properly urge restraint upon a Government where military action is concerned, but ought to be very chary in demanding military action. That is the course which I have followed.

I say that if military action were to be taken, it would usually be unwise for the Executive Government themselves to describe it or to discuss it beforehand. For that reason, I and my colleagues thought that some private interchanges would be useful, and might help the Government and the general policy of the country, by avoiding undue Parliamentary interrogation and debate which otherwise was inevitable on a matter about which we would feel very strongly and which rouses so much justifiable anxiety....

The situation in Persia is indeterminate. It follows from what I have already said that I attached great importance to the announcement that the President was sending Mr. Averell Harriman to Persia. He is a man who has a complete grasp of the whole world scene and a man of the highest personal capacity. Naturally, he was not, in our view, going as a mediator, still less as an arbitrator. We rightly take our stand upon the judgment of The Hague Court. That was the attitude of His Majesty's Government. It is the prima facie duty of those who believe in the rule of law to sustain in every way they can judgments of this character and not to make compromises between them and some other solution.

Mr. Harriman does not necessarily represent British views. Nevertheless, I believe that the Harriman mission has been helpful and that it has improved, and not lessened, the hopes of eventual agreement. Mr. Harriman's exertions have, at any rate, brought the prospects of a resumption of civilised conversations much nearer than they were before. We have been told nothing about this today, but at any rate I hope that what I have said will be found to be true. . . .

We are now embarked upon a period of negotiations which may conceivably be protracted. The Government have been quite right to insist that the persecution and maltreatment of our personnel shall stop before sending a special envoy to Teheran. It does not follow that time is necessarily against us. The position in which the Persian Government have placed themselves so needlessly, and, as we all see, so heedlessly, has brought the whole process of producing and refining oil to a standstill. The tankers are dispersed on other business and cannot be replaced except as the result of an agreement. The markets to which Anglo-Persian oil was sent are almost entirely closed against them by agreements between the various oil companies. Finally, the Abadan refinery has been shut down.

¹ See above, p. 498.

² See below, p. 526.

We, both British and Persians alike, suffer from the delay, but the Persians suffer more and run greater risks with every week it continues; and meanwhile their Government is standing between their people and the immense new benefits embodied in the Supplemental Agreement, or variants of it, and the further welcome and important promises of American aid in arms and money. This seems to me to be a situation calling, in an exceptional degree, for patience on the basis of firmness.

Obviously, if the House were not rising this week, we should have postponed this debate. As it is, we have no choice but to set forth our position upon essentials in plain terms. We do not mind if the Government consider it necessary to withdraw our oil personnel from the mountain oilfields into Abadan. It may be necessary or it may not, but it may well be that we could not easily protect them there from violence and murder in their scattered positions in the oilfields. If they are withdrawn—it is said in the papers that there are 300 or 400; it may be true or not, I do not know—to Abadan, they may quite well be the ones who would not be needed there and would be surplus to the essential staff. The matter is not one, in my opinion, which raises any important issue.

We have, however, in all our discussions with the Government made it clear that the Conservative Party will oppose and censure by every means in their power, the total evacuation of Abadan. The refinery must continue to be occupied by a sufficient number of British Anglo-Persian personnel to make it possible for the installations to be maintained in an effective fashion and for the business to be progressively re-started whenever a settlement is reached. Every effort should be made to rally this nucleus of British personnel to the high opportunity they have of rendering distinguished service to their country. They must stay, and we must never agree to their being withdrawn. If violence is offered to them, we must not hesitate to intervene, if necessary by force, and give all the necessary protection to our fellow subjects. . . .

But this I must say in conclusion. If the Government so manage this affair as to lead in the end to the total evacuation of the British oil personnel from the Abadan refinery, it will be our duty to challenge them here and in the country by every means in our power. The issue between us—which I trust may not arise—is the total evacuation, in any circumstances which are at present foreseeable, of the Abadan refinery by the nucleus of British personnel.

We request that if this decision is taken, and if possible before it is taken, Parliament should be recalled in order that a clear issue may be presented. All the power lies in the hands of the Government. If they use their precarious and divided majority to cast away one of the major interests of the nation, and indeed injure, as I think and I have sought to show, the world cause, if they are found to have been guilty of such a course of action

now that they are asking of all of us so many sacrifices to carry out the policy of re-armament, then I say the responsibility will lie upon them for this shameful disaster, diminution and improverishment of our world position; and we are quite certain that in the long run justice will be done to them by the British people.

(ii) Extract from a speech in the House of Commons by the Prime Minister, Mr. Clement Attlee, stating the British Government's intention not to evacuate Ābādān, 30 July 1951¹

I do not want to talk at any great length on Persia. I think the House will agree that it would be a mistake to go at any great length into this question when we are in negotiation. But the right hon. Member for Bromley [Mr. Harold Macmillan] asked me about the exact connotation of nationalisation. At one time I think he said it was the way the Labour Party or the Socialists moved towards Communism, but almost immediately afterwards he was glorying in the nationalisation of coal underground by the Conservative Party, so it looks as though they are still on the march.

I would say that the acceptance of the principle of nationalisation was very strongly pressed upon us by our American friends. What is its exact connotation? I quite agree that originally the oil belonged to Persia. I do not think we can go further than saying that the conception of nationalisation is that the oil should be worked primarily in the interests of Persia. I think the right hon. Gentleman came down to the right words towards the end of his speech when he talked of a partnership. When an operation of this kind is carried out, either you must pay people and they go altogether—and that is quite impossible, for it would be a loss to the world and to us and not least to Persia; or you must do the right thing, which is, I think, to work for some kind of working agreement or partnership in which we supply the knowledge, the know-how and all the rest of it and the Persians manage this thing in the interests of all.

MR. MACMILLAN: And the plant.

THE PRIME MINISTER: And the plant. This seems to me to be really what we wish to bring under this rather general phrase of nationalisation. At the present moment we are accepting that principle. The details will have to be worked out.

I greatly hope that we may come to an agreement on this matter, but one has to realise that we are dealing with people who have a very large amount of xenophobia. I do not think we could even assume that they will not be ready to cut off their noses to spite their faces. It will require a great deal of careful and very patient negotiation and I should like again, here, to express the gratitude we all feel to President Truman for sending

¹ H.C. Deb. 5th ser. vol. 491, coll. 1071-2.

Mr. Harriman and to Mr. Harriman for going to Teheran to do what he can to ease the situation and to bring the parties together.

I was asked a number of detailed questions—

MR. MACMILLAN: What about evacuation? Will the right hon. Gentleman say something about that?

THE PRIME MINISTER: I think the statement made was perfectly clear on that. There may have to be a withdrawal from the oil wells and there may have to be a withdrawal from some part of Abadan, but our intention is not to evacuate entirely.

(iii) Telegram from Dr. Musaddiq to the Persian Oil Board, announcing the expulsion of the British technicians in Persia,

25 September 1951

Herewith is the decision of the mixed Oil Commission which has also been sanctioned by the Cabinet and which is transmitted to you for execution:

In view of the undertaking given by the Government to the Senate and Majlis that the fate of British technicians would be determined soon, the Cabinet notifies the Oil Board to inform British experts that since they have not agreed to serve with the National Iranian Oil Company their presence in Persia is redundant and there is no reason for their staying in Khuzistan. Therefore they should, within one week, make preparations for their departure from Persia.

In order to carry out the above order you are to notify immediately each British technician resident in the oil area individually that he is to quit Persian territory within one week from the morning of Thursday, September 27.

Nevertheless, in the course of these seven days that they remain in Persia, the conduct of the Persian authorities and employees should be such that the British should have the best feelings towards Persia at the moment of their departure.

I must emphasise to the Oil Board the necessity for punctilious execution of the above decision, and further insist that until the last moment, British technicians should benefit from traditional Persian hospitality.

(iv) Statement by the British Foreign Office on the evacuation of Abādān, 1 October 19512

The recourse by his Majesty's Government to the Security Council in the Persian oil dispute,³ is intended among other things to restore the

¹ Manchester Guardian, 26 September 1951.

² The Times, 2 October 1951.

position at Abadan. But in view of the uncertainties of the situation and of the necessity to provide against all eventualities, arrangements are being made to withdraw British staff at short notice.

- (v) Speeches on the Persian situation made during the British General Election campaign, October 1951
 - (a) Extract from a speech by Mr. Churchill at Liverpool, 2 October 19511

... I did not intend to speak to you to-night about Persia. I understood up to 24 hours ago that no final decision would be taken by the Government pending the result of the belated appeal they had made to the Security Council of the United Nations. But now they have given orders and made arrangements to withdraw and evacuate all the remaining British and Indian staff from Abadan, and this is to happen to-morrow.

This decision convicts Mr. Attlee and the Lord Chancellor of breaking the solemn undertakings they gave to Parliament before it rose in early August. Let me read them to you. In the House of Commons the Prime Minister said: 'There may have to be withdrawal from the oil wells and there may have to be a withdrawal from some part of Abadan, but our intention is not to evacuate entirely.' In the House of Lords the next day the Lord Chancellor repeated the Prime Minister's assurance and added that the Government 'accept all the implications that follow from that decision.'

I do not remember any case where public men have broken their word so abruptly and without even an attempt at explanation. But the immediate issue is now settled. We have been expelled from the immense economic structure and organization built up over 50 years by British enterprise and management. We are markedly impoverished thereby.

All this has been done in defiance of the ruling in our favour of The Hague Court.

Mr. Morrison, the Foreign Secretary, and his party associates no doubt hope to cover up their failure by saying that the Tories want war, while they are for peace at any price. But this is not now a living issue. There is no question of using force. We have fled from the field even before the parleys were completed.

Dr. Moussadek can hardly follow us over here. So the question of whether force should or should not be used to defend our rights or protect our people is settled.

Dr. Moussadek has won a triumph, although at a heavy cost to his own people. He has penetrated the minds and measured accurately the will-power of the men he had to deal with in Whitehall. He knew that, with all their cruisers, frigates, destroyers, tank-landing craft, troops and para-

troops sent at such great expense, and all their bold, confident statements, they were only bluffing. They were only doing what the Prime Minister calls 'rattling the sabre.' Dr. Moussadek shrewdly chose the moment of the election, knowing what they would be thinking about then. And so this chapter is finished.

The Conservative Party accepts no responsibility for what has happened. Presently it will be my duty and that of my trusted deputy, Mr. Eden, to unfold and expose the melancholy story of inadvertence, incompetence, indecision and final collapse which for six months marked the policy of our Socialist rulers. Had foresight, alertness, and reasonable common sense been shown, there need have been no danger of any serious conflict.

But all this belongs to the past. We have now only to bear the loss and suffer the consequences, which may well be still more grave in other countries. There is one thing more that I will say on this subject and only one. The nation at this moment has the remedy in its own hands—October 25.

(b) Extract from a speech by Mr. Morrison to the Labour Party Conference, Scarborough, 3 October 19511

... I wish to refer now to Persia, to which some reference was made in a speech at Liverpool last night. This has been a difficult business. It hit me directly I got to the Foreign Office, together with a number of other problems. It is difficult in many respects and annoying and exasperating in others, because the Persian Government (which I can assure you is not a Left-wing government in any sense of the term but on the contrary a very Right-wing government) has unilaterally repudiated an agreement which they freely entered into and which was due to run for many years. They have been irritating to British people working in the oil industry and they have been difficult about negotiations which we genuinely wished to undertake and in which we were freely accepting the principle of nationalisation and freely seeking the prosperity and well-being of the oil industry of Persia, upon which the economic well-being of that country stands.

Now we are ready to stand up for British rights, and we do not propose that we should be indifferent to the legitimate rights of our country in various parts of the world. We believe that patience is wise, that skill in negotiations is better than making war, and that the United Nations and its machinery is also better than a precipitate and bad-tempered resort to war. So we sought to negotiate and we found it difficult to get negotiations going. We took the case to The Hague Court, the great international high court of the world under the auspices of the United Nations. The Court came to a conclusion which upheld the view that the pre-trouble situation

¹ Report of the Fiftieth Annual Conference of the Labour Party, Scarborough, 1951 (London, Transport House), pp. 129-30.

should not be upset and that the parties should negotiate. That was not accepted. Some people say that we should then at that point have gone to the Security Council. But we still wanted to negotiate a settlement if we could.

It was round about that time that Mr. Harriman, with the authority of the President of the United States, offered his services with a view not to mediation but with a view to getting negotiations going. Mr. Harriman was successful in that respect and we are grateful for the help he gave us and Persia. The consequence was that our colleague, Dick Stokes, went to Persia and conducted negotiations. We were hopeful of success and so was he, and at one point he thought he had got it. But then Dr. Moussadek was unwilling to go on. He presented terms which were impracticable and impossible. Later on came the order that the British staff should leave.

It was at that point that we did decide to go to the Security Council. We were right not to go before because of the Harriman mission and the desirability of settling the matter directly if we could. Do not forget that we were standing by with forces for the protection of British lives, and that they would have been used if British lives had been in danger. The other point is that we did not wish to use force unless it was really necessary, and in that view the United States Government was certainly no less firm and clear than the British Government was. And, you know, we have been told repeatedly by a certain gentleman across the floor of the House of Commons: 'Keep in touch with the United States Government. Always work in association and co-operation with that great Republic across the Atlantic Ocean. Do not get out of step.'

The Prime Minister said if the United States was as insistent upon maintaining peace as we were then surely according to that philosophy we were right to avoid force if we could. Nevertheless there were Tory M.P.s.—and some of us saw them and heard them—in what I have heard repeatedly and truly described as a semi-hysterical condition, who were really clamouring for the use of force which would have meant war. It is easy to get into a war if you want to, but it is not always as easy to get out of it. You cannot always see where it is going to lead you. We could not, therefore, afford to adopt such a policy. As long as I am Foreign Secretary I am determined and willing to act in accordance with the facts and the needs of our country, but I will not be, and you would not expect me to be, a party to a war which is not necessary and can possibly be avoided.

I do not accuse the average Conservative of being a warmonger, of thirsting for the shedding of blood, or of wishing to be involved needlessly in a world war. I do not say that, and I advise you not to say that, because it would not be fair, and it would not be true. But it is their temperament; it is the background of their mental outlook—the old imperialist outlook.

It is the semi-hysteria of the bulk of those Tory back-benchers that really alarms one as to what a Tory government would do if a Tory government were put in. Therefore if the country wants peace it had better vote for the people who can most surely be relied upon to preserve peace and, if I may say so, are most competent to frame principles and proposals for the peace and well-being of the world.

Mr. Churchill last night said that the Prime Minister had broken his word, that he had said that we intended to stay in southern Persia, with at any rate a hard core of British technicians and oil men. The Prime Minister did say so, and that was our intention, and we would have preferred it to be so. But what he did not say was that he would use force in keeping our people in Abadan. He did not say that. Therefore in the existing circumstances, and having regard to the feeling among the staff themselves (who are not having too easy a time in a very high temperature) we have decided that in the circumstances they must come out rather than that we should keep them there by force. So that you see even in respect of Persia there is an implication of force in the mind of the leader of the Opposition, and he assumes that we have reached the end of things in Persia and that we are inevitably defeated. The Government does not make such an assumption, and we shall explore all the avenues of negotiations, all the facilities of the United Nations, with a view to reaching a settlement, even though it would appear that the Government of Persia is indifferent to the economic ruin of its own country. It is not enough to say that the question whether force should or should not be used is settled. The answer I want from Mr. Churchill—and I beg him to be forthcoming about it one way or the other—is whether in his judgment we should have gone to war with Persia or not. Let him answer....

(c) Extract from a speech by Mr. Attlee at Walthamstow, 5 October 19511

... Before the House rose I made a statement in the House as to the position in Persia.² We were negotiating with the Persian Government. Already a situation had arisen in which there was no further work for the company's employees to do in the oilfields area. In view of the possibility of disturbances in an area where these men were widely scattered, it was decided to withdraw them to Abadan. I announced this.

I said then that it was not our intention to evacuate entirely. Our intention was, although work in the refineries was stopping, to retain the company's officials in Abadan in spite of the increasingly disagreeable conditions, because we were still hopeful of a successful outcome to our negotiations, in which we were receiving the good offices of the United States.

¹ The Times, 6 October 1951.

We were also carrying out the interim decision of The Hague Court. We did, therefore, retain a nucleus of the staff. When the Persian Government withdrew their permits we took the case to the Security Council and withdrew the staff.

Mr. Churchill chooses to interpret my statement as saying that we should use force to retain our people in Abadan. There is no basis for interpreting that statement as a declaration that if the Persians demanded that our people should go we would make war.

Throughout this dispute we have in our resort to The Hague Court and to the United Nations and in our patient negotiations pursued the path of peace.

'Ah,' says Mr. Churchill, 'then why did you have naval, air, and armed forces available?' The reason for this has been made clear many times. We had a number of British people in Abadan in the midst of a population of 300,000. There was in progress a red-hot nationalist campaign. Passions can easily be roused in the east. We informed the Persian Government that we held them responsible for the safety of our people. If it had been necessary to save life we should have intervened and we have the forces available.

(d) Extract from a speech by Mr. Churchill at Loughton, 7 October 19512

Mr. Morrison has asked me whether in my judgement we should have gone to war with Persia or not.³ He had no right to ask me this question. The responsibility is entirely that of the Socialist Government, who alone had the power and should have had the knowledge. He is only asking the question to gain acceptance for the falsehood that he and his associates—I can hardly call them his friends—are spreading about that the Conservative Party wants another world war. I am sure that if a strong Conservative Government had been in power the Persian crisis would never have arisen in the way it did. It is only when the British Government of the day is known to be weak and hesitant that these outrages are inflicted upon us and upon our rights and interests. I cannot believe there would have been any need for a war with Persia.

The Prime Minister has explained that when he said he would not evacuate our oil staff from Abadan he meant he would not do so unless he was forced. That was not quite clear at the moment. His policy was, as we see it now, that nothing would induce him to go unless he were pushed, and that if he were pushed nothing would induce him to stay.

This was not the interpretation which Parliament, and indeed the whole world, placed on his words. And I am bound to say that after the private

¹ See below, p. 526.

³ Sec above, p. 523.

² The Times, 8 October 1951.

meetings I and my colleagues have had with him it was certainly not the impression I sustained.

When he saw he was being misunderstood by the whole country, Mr. Attlee could easily have set the matter right. On the contrary, he allowed his Lord Chancellor, the next day, to repeat in the House of Lords what he had said, and to add the remarkable and decisive phrase: 'We accept all the implications that follow from that decision.' Of course he was hoping to deceive Dr. Moussadek. But Dr. Moussadek saw through his bluff. It was only the British people and the world in general who were taken in.

I repeat, no satisfactory explanation has been given by Mr. Attlee of his and the Lord Chancellor's statements to Parliament when we separated in early August. I cannot recall any large matter of policy which has been so mishandled as this dispute with Persia. It arose out of the great decline of British prestige and authority in the Middle East which followed inevitably from the loss of our military power in India. But foresight would have enabled us to be much better informed than we were at the outset.

When the Persian Government decreed the nationalization of our oil industry we were quite right to go to The Hague Court. When The Hague Court had given its decision in our favour then was the time, nearly three months ago, to lay our case before the United Nations. Mr. Attlee and Mr. Morrison have simply drifted until, after every kind of humiliation, we have been ignominiously ejected a week before our appeal to the United Nations could even be considered.

Even at the last moment, after the mission of Mr. Stokes, the Persian Government offered new discussions. The haughty answer from the Foreign Office was that they would not negotiate with Dr. Moussadek any more. How can this be reconciled with a definite resolve not in any circumstances to resist physical pressure of any kind? What we have been witnessing is not a policy either of resistance to violence or of negotiation. It is simply a case of Ministers drifting from day to day and week to week, unable to make up their minds, until now we have been confronted with a major loss and disaster.

The lamentable story shows that our influence in the United States, in spite of our close association with them and the great causes we have undertaken together to defend, has also fallen to a very low ebb. I cannot believe this would have happened with any other Government than this one. Now it is known that we will not in any circumstances offer physical resistance to violence and aggression on a small scale in these Middle East countries we must expect that Egypt will treat us more roughly still, and many other evils will come upon us in the near future unless the Ministers, who have shown themselves to be utterly incapable, are dismissed from power by the electors.

The financial loss is most grave and affects the whole of our position in

the present dollar crisis. Now that the Abadan refinery has passed out of our hands we have to buy oil in dollars instead of in sterling. This means that at least \$300 m. have to be found every year by other forms of export and services. The working people of this country must make and export at a rate of one million dollars more for every working day in a year. This is a dead loss which will directly affect our purchasing power abroad and the cost of living at home.

4. The oil dispute in the United Nations

(i) The International Court of Justice Order, 5 July 1951¹ INTERNATIONAL COURT OF JUSTICE, YEAR 1951

5TH JULY, 1951

Anglo-Iranian Oil Company Case:

Request for the Indication of Interim Measures of Protection

(UNITED KINGDOM/IRAN)

ORDER

Present:

President: Basdevant Vice-President: Guerrero

Judges Alvarez, Hackworth, Winiarski, Zoricic, De Visscher, Sir Arnold McNair, Klaestad, Badawi Pasha, Read, Hsu Mo

Registrar: Hambro

The Court composed as above, after deliberation, having regard to Articles 41 and 48 of the Statute of the Court, having regard to Article 61 of the Rules of Court,

In the proceedings instituted before the Court by the Application dated 26th May, 1951, by the Government of the United Kingdom of Great Britain and Northern Ireland, against the Iranian Empire in the case of the Anglo-Iranian Oil Company, Limited;

Makes the following Order:—

Having regard to the Request dated 22nd June, 1951, submitted to the Court and filed in the Registry on that day whereby the United Kingdom Government,—invoking Article 41 of the Statute and Article 61 of the Rules, and referring to the Application of 26th May, in which the United Kingdom Government had reserved the right to request the Court to indicate such interim measures,—requested the Court to indicate that pending the final Judgment of the Court in the Anglo-Iranian Oil Company case:—

(a) The Imperial Government of Iran should permit the Anglo-Iranian
¹ Cmd. 8425, pp. 45-49.

Oil Company (Limited), its servants and agents, to search for and extract petroleum and to transport, refine or treat in any other manner and render suitable for commerce and to sell or export the petroleum obtained by it, and generally, to continue to carry on the operations which it was carrying on prior to 1st May, 1951, free from interference calculated to impede or endanger the operations of the Company, by the Imperial Government of Iran, their servants or agents, or any Board, Commission, Committee, or other body nominated by them.

- (b) The Imperial Government of Iran should not by any executive or legislative act or judicial process hinder or prevent or attempt to hinder or prevent the Anglo-Iranian Oil Company (Limited), its servants or agents, in or from continuing to carry on its operations as aforesaid.
- (c) The Imperial Government of Iran should not by any executive or legislative act or judicial process sequester or seize or attempt to sequester or seize or otherwise interfere with any property of the Anglo-Iranian Oil Company (Limited), including (but without prejudice to a decision on the merits of the case) any property which the Imperial Government of Iran have already purported to nationalise or otherwise to expropriate.
- (d) The Imperial Government of Iran should not by any executive or legislative act or judicial process sequester or seize or attempt to sequester or seize any moneys earned by the Anglo-Iranian Oil Company (Limited), or otherwise in the possession or power of the Anglo-Iranian Oil Company (Limited), including (but without prejudice to a decision on the merits of the case) any moneys which the Imperial Government of Iran have purported to nationalise or otherwise to expropriate or any moneys earned by means of property which they have purported so to nationalise or otherwise to expropriate.
- (e) The Imperial Government of Iran should not by any executive or legislative act or judicial process require or attempt to require the Anglo-Iranian Oil Company (Limited) to dispose of the moneys referred to in sub-paragraph (d) above otherwise than in accordance with the terms of the Convention of 1933 or of any measure to be indicated by the Court.
- (f) The Imperial Government of Iran should ensure that no other steps of any kind are taken capable of prejudicing the right of the Government of the United Kingdom to have a decision of the Court in its favour on the merits of the case executed, should the Court render such a decision.
- (g) The Imperial Government of Iran and the Government of the United

Kingdom should ensure that no step of any kind is taken capable of aggravating or extending the dispute submitted to the Court, and in particular, the Imperial Government of Iran should abstain from all propaganda calculated to inflame opinion in Iran against the Anglo-Iranian Oil Company (Limited) and the United Kingdom.

Whereas, on the day on which the Request for the indication of interim measures was filed, it was transmitted to the Iranian Government and the submissions made therein were communicated by telegraph to the said Government:—

Whereas the Registry, referring to Article 41, paragraph 2, of the Statute, notified the Secretary-General of the United Nations of the said Request, and, in accordance with Article 40, paragraph 3, of the Statute communicated it to the Members of the United Nations through the Secretary-General, and to the other States entitled to appear before the Court;

Having regard to the message transmitted by telegraph by the President of the Court on 23rd June to the Prime Minister and to the Minister for Foreign Affairs in Iran, which was in the following terms:—

'Court being due to meet to consider Request for indication interim measures of protection filed 22nd June by United Kingdom Agent, it is my duty in accordance with Article 61 of the Rules to take such measures as appear necessary to me to enable the Court to give an effective decision. For this purpose I have honour to suggest to your Excellencies that Imperial Government issue appropriate instructions to avoid all measures which might render impossible or difficult the execution of any judgment which the Court might subsequently give and to ensure that no action is taken which might aggravate the dispute submitted to Court. Any measures taken by Imperial Iranian Government for this purpose would in no way prejudice such representations as that Government may deem it appropriate to make to Court either in proceedings on Request for interim measures in which both parties will have right to be heard at hearing on 30th June or subsequently in proceedings on Application filed 26th May by the United Kingdom.'

Having regard to the reply to this message, transmitted by telegraph on 29th June to the Iranian Legation at The Hague, and, on the same day, delivered to the President of the Court by the Iranian Minister at The Hague, filed and communicated to the Agent for the United Kingdom Government;

Having regard to the final text of the said reply, consisting of a message signed 'B. Kazemi, Minister for Foreign Affairs of Iran,' followed by a statement together with three annexes delivered to the President of the Court on 30th June by the Iranian Minister at The Hague, which was also communicated to the Agent for the United Kingdom Government;

Whereas the said reply stated:

'In view of the foregoing considerations the Iranian Government hopes that the Court will declare that the case is not within its jurisdiction because of the legal incompetence of the complainant and because of the fact that exercise of the right of sovereignty is not subject to complaint. Under these circumstances the request for interim measures of protection would naturally be rejected.'

Whereas on 23rd June, the day following the filing of the Request for the indication of interim measures of protection, the United Kingdom Government, through its duly authorised Agent, and the Iranian Government through its Minister for Foreign Affairs, were informed that the Court would fix a hearing for the purpose of giving the Parties an opportunity of presenting their observations on the subject of the Request;

Whereas upon the opening of the hearing fixed for this purpose, the President of the Court took note of the presence in Court of Sir Eric Beckett, K.C.M.G., K.C., Legal Adviser to the Foreign Office, and of the Right Honourable Sir Frank Soskice, K.C., M.P., Attorney-General; Professor H. Lauterpacht, K.C., Professor of International Law at Cambridge University; Mr. A. K. Rothnie, Eastern Department, Foreign Office; and Messrs. H. A. P. Fisher and D. H. N. Johnson, Counsel;

Whereas the Iranian Government was not represented at this hearing; Having heard Sir Frank Soskice on behalf of the United Kingdom Government, on the request for the indication of interim measures of protection;

Whereas the submissions in the request of the United Kingdom Government, quoted above, were maintained in the course of the hearing;

Whereas in its message of 29th June, 1951, the Iranian Government stated that it rejected the Request for the indication of interim measures of protection presented by the United Kingdom Government on the grounds principally of the want of competence on the part of the United Kingdom Government to refer to the Court a dispute which had arisen between the Iranian Government and the Anglo-Iranian Oil Company, Limited, and of the fact that this dispute pertaining to the exercise of the sovereign rights of Iran was exclusively within the national jurisdiction of that State and thus not subject to the methods of settlement specified in the Charter;

Whereas it appears from the Application by which the Government of the United Kingdom instituted proceedings, that that Government has adopted the cause of a British Company and is proceeding in virtue of the right of diplomatic protection;

Whereas the complaint made in the Application is one of an alleged violation of international law by the breach of the agreement for a concession of 29th April 1933, and by a denial of justice which, according to

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the Government of the United Kingdom, would follow from the refusal of the Iranian Government to accept arbitration in accordance with that agreement, and whereas it cannot be accepted a priori that a claim based on such a complaint falls completely outside the scope of international jurisdiction;

Whereas the considerations stated in the preceding paragraph suffice to empower the Court to entertain the request for interim measures of pro-

tection;

Whereas the indication of such measures in no way prejudges the question of the jurisdiction of the Court to deal with the merits of the case and leaves unaffected the right of the Respondent to submit arguments against such jurisdiction;

Whereas the object of interim measures of protection provided for in the Statute is to preserve the respective rights of the Parties pending the decision of the Court, and whereas from the general terms of Article 41 of the Statute and from the power recognised by Article 61, paragraph 6, of the Rules of Court, to indicate interim measures of protection proprio motu, it follows that the Court must be concerned to preserve by such measures the rights which may be subsequently adjudged by the Court to belong either to the Applicant or to the Respondent;

Whereas the existing state of affairs justifies the indication of interim measures of protection;

For these reasons,

THE COURT

Indicates, pending its final decision in the proceedings instituted on 26th May, 1951, by the Government of the United Kingdom of Great Britain and Northern Ireland against the Imperial Government of Iran, the following provisional measures which will apply on the basis of reciprocal observance:—

- 1. That the Iranian Government and the United Kingdom Government should each ensure that no action is taken which might prejudice the rights of the other Party in respect of the carrying out of any decision on the merits which the Court may subsequently render;
- 2. That the Iranian Government and the United Kingdom Government should each ensure that no action of any kind is taken which might aggravate or extend the dispute submitted to the Court;
- 3. That the Iranian Government and the United Kingdom Government should each ensure that no measure of any kind should be taken designed to hinder the carrying on of the industrial and commercial operations of the Anglo-Iranian Oil Company, Limited, as they were carried on prior to 1st May, 1951;
- 4. That the Company's operations in Iran should continue under the

direction of its management as it was constituted prior to 1st May, 1951, subject to such modifications as may be brought about by agreement with the Board of Supervision referred to in paragraph 5;

5. That, in order to ensure the full effect of the preceding provisions, which in any case retain their own authority, there should be established by agreement between the Iranian Government and the United Kingdom Government a Board to be known as the Board of Supervision composed of two Members appointed by each of the said Governments and a fifth Member, who should be a national of a third State and should be chosen by agreement between these Governments, or, in default of such agreement, and upon the joint request of the Parties, by the President of the Court.

The Board will have the duty of ensuring that the Company's operations are carried on in accordance with the provisions above set forth. It will, inter alia, have the duty of auditing the revenue and expenses and of ensuring that all revenue in excess of the sums required to be paid in the course of the normal carrying on of the operations and the other normal expenses incurred by the Anglo-Iranian Oil Company, Limited, are paid into accounts at banks to be selected by the Board on the undertaking of such banks not to dispose of such funds except in accordance with the decisions of the Court or the agreement of the Parties.

Done in English and French, the English text being authoritative, at the Peace Palace, The Hague, this fifth day of July, one thousand nine hundred and fifty-one, in four copies, one of which will be placed in the Archives of the Court, and the others transmitted to the Imperial Government of Iran, to the Government of the United Kingdom of Great Britain and Northern Ireland, and to the Secretary-General of the United Nations for transmission to the Security Council.

Basdevant, President. E. Hambro, Registrar.

Judges Winiarski and Badawi Pasha, declaring that they are unable to concur in the Order of the Court, have appended to the Order the joint statement of their dissenting opinion.¹

J. B.

Ĕ. H.

(iv) Extracts from a speech in the Security Council by Sir Gladwyn Jebb, British Permanent Representative to the United Nations, i October 1951²

His Majesty's Government in the United Kingdom has decided to bring its dispute with the Iranian Government on the subject of the termination

1 Not printed here. See Cmd. 8425, pp. 49-51.

² Security Council, Sixth Year, 559th Meeting, 1 October 1951, pp. 11-13 and 19-26.

of the Anglo-Iranian Oil Company concession to the urgent attention of the Security Council because it believes that, as a good and loyal Member of the United Nations, this is the only course open to the United Kingdom at the present time. The plain fact is that, by a series of insensate actions, the Iranian Government is causing a great enterprise, the proper functioning of which is of immense benefit not only to the United Kingdom and Iran but also to the whole free world, to grind to a stop; unless this process is promptly checked, the whole of the free world will be much poorer and weaker, including the deluded Iranian people themselves.

The members of the Council will, of course, recollect that on 5 July the International Court of Justice, in reply to His Majesty's Government's request for the 'indication', as it is called, of provisional measures of protection, issued an order [S/2239]1 in which both parties were enjoined inter alia to permit the oil industry in Iran to be conducted as it was before 1 May 1951, the date of the Iranian oil nationalization law.2 His Majesty's Government at once signified its full acceptance of the Court's findings and since then has done everything in its power to carry them out. But the Iranian Government, by a series of actions since the Court issued its order, has, to put it bluntly, flouted the findings of the Court and made it impossible for effect to be given to the Court's intention. In spite of all the efforts of His Majesty's Government to arrive at a mutually satisfactory arrangement which, as the Council will remember, included the dispatch of a mission headed by a British Cabinet Minister, the Iranian Government on 25 September last announced its intention of requiring the Anglo-Iranian Oil Company's staff remaining at Abadan to leave the country by 4 October. During recent months the Anglo-Iranian Oil Company has been compelled by the actions of the Iranian Government gradually to reduce the numbers of its staff in southern Iran and the scope of its operations. The point has now been reached where the staff remaining, some 350 in number, is the minimum essential to maintain the installation in working order. If the installation is not maintained in working order, there is no need for me to draw attention to the ill effects, not only on the free world as a whole, but also on Iran itself.

In a nutshell, the view of His Majesty's Government is that it is intolerable that one party to a matter laid before the International Court should be allowed to flout the Court's findings and to impose unilaterally its own will in regard to this matter. If this kind of conduct is permitted, a deadly blow will have been struck at the whole system of international co-operation which we have been seeking to build up since the last war. In the words of the Charter, indeed, one of the basic principles of the United Nations is to establish conditions under which justice and respect for the

¹ See above, p. 526.

² See above, p. 481.

obligations arising from treaties and other sources of international law can be maintained.

If therefore Iran—an original signatory of the Charter, let it be remembered—is allowed to continue on this path, a grave step will have been taken towards anarchy in international affairs. The rule of law, as opposed to the rule of force, can obviously only prevail if all concerned conform their actions to the decisions and findings of the Court, which is the principal judicial organ of the United Nations. Thus, in issuing an arbitrary order expelling 350 members of the staff, the Iranian Government is acting in a manner entirely contrary to the elementary principles of international usage. Moreover, it is our contention that, by so doing, it is creating a highly inflammatory situation which may well be a threat to international peace and security.

When this kind of situation arose in the past, it was commonly settled by resort to force. Some would say that, confronted by the present situation, this is what His Majesty's Government ought now to do in the interests of the world community as a whole. His Majesty's Government, however, as it has so frequently stated in public, bases its whole policy on the United Nations Charter which, as we all know, lays down that the solution of international problems must, if possible, be solved by peaceful negotiations. This, as I have said, is why His Majesty's Government has decided to bring the present dispute urgently before the Security Council, which is the appropriate body to deal with matters likely to endanger international peace and security.

The draft resolution [S/2358] which the Security Council has before it today states what everyone must admit are obvious facts, and, in the light of these facts, calls upon the Government of Iran to act in all respects in conformity with the provisional measures recommended by the Court and, in particular, to permit the continued residence in Abadan of the staff affected by the recent expulsion orders, or the equivalent of such staff. One would have thought that there could be no opposition among Members of this supreme world body to, at any rate, the general sense of this draft resolution.

We further maintain that, in view of the last precipitate step of the Iranian Government to which I have referred, it is essential for the Security Council to adopt this draft resolution within the next few days, in any case before the expulsion order of the Iranian Government, to which I have referred, comes into effect—that is, on 4 October next. In point of fact, conditions of life for the remaining technicians have now become so intolerable that it has been found necessary to arrange for their evacuation on 3 October. This fact, however, does not, in the view of His Majesty's Government, detract in the slightest from the urgency of the situation.

The Security Council, in our view, ought to indicate to the Iranian Government that it should not proceed in this arbitrary manner, and that its latest arbitrary action should therefore be rescinded before the ultimatum ex-

pires...

I should now like to say a word or two on some of the legal aspects of this matter, because clearly this is a case in which legal as well as political considerations figure very prominently. However, it is certainly not necessary for the Security Council on the present occasion to go into the actual merits of the United Kingdom's legal case against Iran. For that is now sub judice before the International Court, which has indeed specified the time-limits within which His Majesty's Government and the Iranian Government must respectively present their memorials.

No one can deny that there is a dispute between the United Kingdom and Iran and, without question, that dispute is to a large extent of a legal character or raises important legal issues. His Majesty's Government has therefore acted perfectly, correctly and, indeed, in one of the ways expressly laid down in Articles 33 and 36 of the Charter, in going to the Court. Moreover, in the finding on interim measures which the Court gave last July, it indicated very clearly that His Majesty's Government had a case which was at least prima facie internationally justiciable, and not therefore a mere matter of domestic jurisdiction, which it was proper for the Court to go into, and on which it was proper for the Court to indicate interim measures directed to preserving the ultimate rights of the parties. The cardinal passage from the Court's decision and the implications of it are perfectly clear and, as I shall demonstrate, admit of no doubt whatever.

I now turn to the formal basis of the present reference to the Council. All Members of the United Nations have the right, under Article 35 of the Charter, to appeal to the Security Council in regard to any matter of the nature referred to in Article 34. No one can doubt the essentially inflammatory nature of a situation of the kind which now exists in those parts of Iran which are affected, even given goodwill and restraint on the parts of the governments concerned, such as has certainly hitherto been exhibited by His Majesty's Government, or the potential threat to the peace which may be involved. But in addition to this, the Council has special functions in relation to decisions of the Court, both under Article 94, paragraph 2, of the Charter, and under Article 41, paragraph 2, of the Statute of the Court. Under the latter provision, the Court has already notified the Council of the interim measures it has indicated in the case, and this must clearly imply that the Council has the power to deal with matters arising out of such interim measures.

It may of course be argued, and no doubt it will be argued by the Iranian Government, that Article 94, paragraph 2 of the Charter only applies to final judgments of the Court and, consequently, not to decisions

on interim measures—just as the Iranian Government seeks to argue that the interim measures indicated by the Court are not binding on the parties and that the Court had no jurisdiction to decree them. I can only point out that the whole object of interim measures—as, indeed, Article 41 of the Statute clearly indicates—is to preserve the respective rights of the parties pending the final decision; in other words, to prevent a situation from being created in which the final decision would be rendered inoperative or impossible of execution because of some step taken by one of the parties in the meantime with the object of frustrating that decision. Now, it is established that a final judgment of the Court is binding on the parties; that, indeed, is expressly stated by Articles 59 and 60 of the Statute and Article 94, paragraph 1, of the Charter. But, clearly, there would be no point in making the final [judgment] binding if one of the parties could frustrate that decision in advance by actions which would render the final judgment nugatory. It is, therefore, a necessary consequence, we suggest, of the bindingness of the final decision that the interim measure intended to preserve its efficacy should equally be binding.

As regards the jurisdiction of the Court to indicate interim measures, Article 41, paragraph 1 of the Court's Statute expressly empowers it to do so in any case before it 'if it considers the circumstances so require . . . to preserve the respective rights of either party'. Moreover, when the Court decreed the interim measures in the present case, it went into the question of jurisdiction. It reserved the ultimate basic question of its jurisdiction to go into the merits of the case, but quite definitely held that it had jurisdiction in the circumstances to decree interim measures, and that the case was one where, in order to preserve the rights of the parties, a decree of interim measures was necessary.

The ultimate issue of jurisdiction is, therefore, still an open one, and it is open to Iran in due course to appear before the Court and argue that particular case. Consequently, the Iranian Government is in no way justified in ignoring the interim measures of a conservatory character which the Court has seen fit to indicate in order to regulate the position until the whole case on jurisdiction and merits can be gone into. In any case, it is clearly for the Court itself to decide whether it has jurisdiction or not, and any such decision is binding on all Members of the United Nations.

However, quite apart from these legal points, there is the political factor, which is one the Council cannot fail to take account of; that is, whether or not the interim measures decreed by the Court are legally binding in the formal sense of the term, they are a clear expression of opinion by the highest international judicial tribunal of what is considered to be necessary to preserve the rights of the parties pending a final decision in a case which has been submitted to it. There arises, therefore, at the least, a very strong moral obligation on every Member of the United Nations which purports

Iran has not done so, and has thereby created a situation which has engendered the maximum of international friction and which may constitute, as I have already said, a potential threat to peace and security.

As a very first step towards the settlement of the dispute, therefore, the Council ought to call upon the Iranian Government to conform to these measures and, in particular, to revoke the recent expulsion orders which constitute the clearest possible violation of them. It was of the essence of the interim measures that the status quo should be preserved and, as part of this, that the oil industry in Iran should continue to function under the existing management. That was what the Court intended. Steps which have progressively brought the working of the industry to a standstill and which have culminated in the expulsion of all the existing staff of the Company capable of carrying on the industry, are therefore as clearly contrary to the letter and spirit of these measures as anything can well be.

The Council will, of course, bear in mind the position of the Court as the principal judicial organ of the United Nations; both Article 92 of the Charter and Article 1 of the Court's Statute establish this. Its position in this capacity has been affirmed by the Court itself; I would direct representatives' attention, for instance, to the Peace Treaties case.¹ To act in conformity with the decisions and findings of the Court must, therefore, necessarily be to act in conformity with purposes and principles of the United Nations. This is a cardinal reason justifying both the present recourse to the Security Council on the part of the United Kingdom Government and its request for support, on the part of the other members of the Council of the draft resolution which it has submitted. The rule of law as opposed to that of force must entail willingness to submit disputes of a legal character to judicial decision and a willingness to abide by the results, or there is no meaning in the rule of law.

Before concluding, I feel that I must dwell shortly on one aspect of the whole affair which has certainly not received the publicity due to it. The Iranian Government, for obvious reasons of its own, perpetually represents the Anglo-Iranian Oil Company as a gang of unscrupulous bloodsuckers whose one idea is to drain the Iranian nation of any wealth that it may possess. In fact, the language employed by the landowning Iranian politicians is strongly reminiscent of that employed by the Tudeh, or Russophil party, as regards the landowners. Nevertheless, these wild accusations are simply not true.

I have already referred to royalties, which alone have amounted to a total of £114 million, and to the additional sums which the Iranian Government would have received under this head if the 1949 agreement had been ratified. Quite apart from such payments, the Anglo-Iranian Oil Com-

¹ See Interpretation of Peace Treaties, Advisory Opinion: I.C.J. Reports 1950, p. 71.

pany has invested large sums of new capital in Iran, amounting in 1949 and 1950 to £17.6 million and £8.8 million respectively. Moreover, a large proportion of the profits derived from the production of oil has been used in the development of the oil-fields and the refinery in Khuzistan. This ploughing back of profits has resulted in very great benefits to the Iranian people, since only thus has it been possible for the Company to produce, refine and sell the 32 million tons of crude oil which Iranian output has now attained. Furthermore, under the 1933 concession the whole of the Company's assets in Iran will automatically become the property of the Iranian Government when the concession ends in 1993.

In addition to these direct payments and benefits, the Iranian Government has received year by year from the Company further sums, almost as large in themselves as the royalties, derived from customs duties, local direct and indirect taxation, profits on the exchange rates, and so on. It was largely on the strength of its revenues from the Company that the Iranian Government could contemplate a seven-year programme of development, which at the time received great sympathy and support both from His Majesty's Government and from the rest of the Western world.

Quite apart from its financial contributions to the Iranian economy, the record of the Company in Iran has been one which must arouse the greatest admiration from the social point of view and should be taken as a model of the form of development which would bring benefits to the economically less-developed areas of the world. Far from trying to keep down the Iranian people, as has been alleged, the Company has strained every effort to improve the standard of living and education of its employees so that they might be able to play a more useful part in the great work which remains to be done in Iran. It has organized every kind of vocational training for its employees in Iran. It has built, staffed and equipped three hospitals and thirty-five dispensaries. It has also founded thirty elementary and secondary schools, which have been handed over to the Iranian Ministry of Education. The Company has built 17,000 houses for married people and 4,000 bachelor quarters. In developing its concession, the Company has constructed and maintained over 1,250 miles of road and forty major bridges at a cost of £500,000 a year. Between 1934 and 1950, the total number of Iranians employed by the Company, excluding unskilled labour, has risen from 7,174 to 43,080. This sixfold increase has been achieved largely as a result of the Company's technical training programme, which includes the provision of workshops for the training of apprentices and a technical institute providing courses in petroleum technology and engineering which have been officially recognized to entitle one to an Iranian university degree. In addition, sixty-eight Iranian students were studying this year at universities and technical colleges in England at the Company's expense.

The result has been not only a much greater knowledge and skill and many more well qualified Iranians within the organization but also, by reason of those who have left the Company's service and taken up employment elsewhere in Iran, a permanent contribution has been made to the raising of standards, particularly in technical occupations, throughout the country. In the same way, the influence of the medical work for which the Company has been responsible has extended far beyond the Company's organization. It is thanks to the Company that tens of thousands of Iranian workmen at present enjoy housing conditions, educational facilities and health and other social services on a scale which the working people of Iran enjoy in no other part of the country. These are facts which are attested to in the report of the International Labour Office entitled Labour Conditions in the Oil Industry in Iran, published last year in Geneva. To ignore entirely these activities and to put forth that the Company is responsible for oppression, corruption and treachery could be described as base ingratitude if it were not simply ridiculous. . . .

It is surely not much that we are asking of the Security Council in the present draft resolution [S/2358]. The essential thing is that some reasonable arrangement should be come to between the Iranian Government and the Government which I have the honour to represent. All reasonable people will agree that, so far, the Iranian Government has simply not put forward any proposals which could possibly be willingly accepted by our side. How could we be expected simply to hand over property which represents a vast labour and outlay on the part of the British people in return for a vague suggestion of compensation which in practice, and all too probably, may well amount to nothing at all? It is quite true that this vast outlay has up to now not been unprofitable for us; but neither, as I have shown, has it been unprofitable for the Iranians. It is quite true that the Iranians have not hitherto played a very great part in what should in principle be a joint undertaking. But their part has nevertheless been becoming increasingly great and, under our latest proposals moreover, they would enter into full and genuine partnership while direct Iranian representation in the operating concern would be very considerable. When more really competent Iranian technicians are trained, so will more be employed; but at the moment, if the oil is to be produced, refined, transported and marketed in any large quantity, it is a fact that this can only be done by employing a large number of British technicians.

Given a minimum of goodwill, there is absolutely no reason why an arrangement entirely satisfactory to both sides should not be worked out, and worked out quickly. But it cannot be worked out at all if the Iranian Government continues to rush madly down a steep hill in pursuit of an illusory objective; and it therefore seems essential, to us at least, for the Security Council to do something to arrest this apparently suicidal process.

By adopting the draft resolution which we have before us, the Security Council will make it plain that it is determined to uphold the rule of law in international affairs, to say nothing of the prevalence of reason; it will assert its authority not on behalf of the powerful against the weak but on behalf of intelligent progress as against blind and unintelligent reaction. Finally, it will create a landmark in that vast process of peaceful adjustment between the ancient East and the industrialized West the successful accomplishment of which is admittedly the major problem of our generation.

(iii) Revised draft resolution submitted to the Security Council by the United Kingdom on 15 October 19511

Whereas a dispute has arisen between the Government of the United Kingdom and the Government of Iran regarding the oil installations in Iran, the continuance of which dispute is likely to threaten the maintenance of international peace and security and

WHEREAS the efforts to compose the differences between the United Kingdom Government and the Government of Iran regarding the installa-

tions have not succeeded and

WHEREAS the Government of the United Kingdom requested the International Court of Justice for an indication of provisional measures and

Whereas the International Court of Justice, acting under Article 41, Paragraph 2 of its Statute, notified the Security Council of the provisional measures indicated by the Court on July 5, 1951,² pending its final decision as to whether it had jurisdiction in the proceedings instituted on May 26, 1951, by the United Kingdom Government against the Government of Iran, and

WHEREAS the United Kingdom Government accepted the indication of the provisional measures and the Government of Iran declined to accept

such provisional measures;

The Security Council

Concerned at the dangers inherent in the dispute regarding the oil installations in Iran and the threat to international peace and security which may thereby be involved;

Noting the action taken by the International Court of Justice on July 5,

1951, under Article 41, Paragraph 2, of its Statute;

Conscious of the importance, in the interest of maintaining international peace and security, of upholding the authority of the International Court of Justice;

Calls for:

1. The resumption of negotiations at the earliest practicable moment in order to make further efforts to resolve the differences between the parties

Document S/2358/Rev. 1, 12 October 1951.

² See above, p. 526.

in accordance with the principles of the provisional measures indicated by the International Court of Justice unless mutually agreeable arrangements are made consistent with the purposes and principles of the United Nations Charter;

2. The avoidance of any action which would have the effect of further aggravating the situation or prejudicing the rights, claims or positions of the parties concerned.

(iv) Extracts from a speech by Dr. Musaddiq in the Security Council, 15 October 1951¹

... The vital point is that the Security Council has not and cannot have competence to deal with this matter.

The reason is simple. The oil resources of Iran, like its soil, its rivers and mountains, are the property of the people of Iran. They alone have the authority to decide what shall be done with it, by whom and how. They have never agreed to share that authority with anybody else or to divide their ownership of all or part of that property or what it produces with anyone. They have not submitted and will not submit their authority in that regard, or the exercise of it, to review or judgment by any persons or body outside Iran. That ownership and that authority are inalienable. They are part of the foundations on which stand our national sovereignty and our admitted equality among the other sovereign States of the community of nations and of the body in which it is organized, the United Nations. . . .

The extraction, exploitation and utilization of the oil resources of Iran are peculiarly a matter of domestic concern. It is in the exercise of its indubitable rights of domestic jurisdiction that Iran has nationalized its oil industries and established them on a new footing better adapted to the welfare of its people. In this it has done only what many other countries, for various reasons, have done at different times without challenge, and what is the unquestioned right, as a matter of international law, of every sovereign nation in the world to do. The United Kingdom Government itself, to mention only one case, has nationalized the coal and steel industries of that country. Neither government nor any international organization has challenged that exercise of its right to dispose of its resources; and, indeed, that right is beyond challenge.

Iran possesses the same unfettered right in that regard as every other country. We have concluded no agreements of any kind, whether by treaty, contract or otherwise, with other States, abridging that right.

The United Kingdom Government has trespassed on this sovereign right of Iran. In clear violation of law and without any legal justification

¹ Security Council, Sixth Year, 560th Meeting, 15 October 1951, pp. 6-13 and 26-28.

whatever, it has sought to take advantage of the late iniquitous concession agreement of 1933 with the former Company to interfere with the execution of our laws. The instrument is a private agreement between the Government of Iran and the former Company. It confers no rights, standing or competence on the United Kingdom Government in the matters to which it relates. The Government of Iran is thus not a party to any contract with the United Kingdom Government about oil.

A private agreement, even one enuring to the benefit of foreigners, cannot bar a nation from the exercise of its sovereign rights; nor did the so-called agreement of 1933 purport to do that. It can confer no right on a foreign government to claim to be consulted in matters of domestic

legislation.

The former oil Company is commonly spoken of in Iran as the 'Colonial Exploitation Company'. This sobriquet has excited indignation in official quarters and in certain parts of the Press in the United Kingdom. If the popular tag did not fit and if the predatory policy and power of the United Kingdom Government were not intimately involved in the operations of the former Company, that Government would have taken the only possible just, sound and reasonable view, namely that the matter was essentially the concern of Iran and that the sole interest of the United Kingdom Government in it, if there were any, should be to observe whether adequate compensation was being proposed for the legitimate claims of the former Company.

The United Kingdom Government, however, has chosen to act in violation of international law and, seeking to usurp our sovereign rights in matters of domestic concern, has interfered in the internal affairs of Iran. Its unlawful intervention has taken various forms. It has sought to incite dissension and sedition and to instigate strikes. It has sought to intimidate us by stationing war-ships just beyond our coastal waters and by sending its land and air forces to the vicinity of Iran. It has made abusive use of the International Court of Justice: one, by misrepresenting the effect of the colonial exploitation agreement of 1933 as an abridgment of Iran's sovereign rights in favour of the former Company; two, by taking a non-judicable question to that Court; and three, by invoking a tribunal which was known to it to be without competence to hear such a complaint against us without first having our express consent given in that particular case.

This abusive use of process was aimed at bringing Iran into disrepute by making it appear that we did not respect international law and the pronouncements of a high international tribunal. The victory was a cheap one. The United Kingdom Government foresaw clearly that we would not appear and that it would therefore obtain an indication from the Court by default. The Court was, of course, quite without competence and its indication [S/2239] was equally invalid....

It was regard for the principles of international law and justice which dictated our note of 9 July 1951, to the Secretary-General of the United Nations informing him that, in our view, the indication of the Court was invalid for all the reasons which I have given above and because it was clearly outside the terms of the Iranian declaration of 2 October 1930 recognizing the compulsory jurisdiction of the Court. We informed him further that we were withdrawing our declaration of 2 October 1930 recognizing the compulsory jurisdiction of the Court.

It has been said by the United Kingdom representative [559th meeting]² that we are flouting a decision of the Court. Apart from the fact that the indication of the Court is not a decision and therefore, even if it were valid, would not be binding, it is not we but the United Kingdom who at every turn has flouted the principles and has abused the processes of international law and justice, as we have shown.

Iran, throughout its history, has shown the most devoted respect for international law and has sought scrupulously to carry out its duties as a Member of this and other international organizations. We have observed, and will continue to observe, every legal limitation upon our sovereignty which flows from our participation and co-operation in the affairs of the family of nations. We are prepared to collaborate sincerely with all nations and governments in the common work of bringing nearer the realization of the universal ideals and aspirations of mankind.

In our conduct and in our approach to the problems of international relations, we are animated by the hope that international law and international organization may gradually be perfected and by the hope that they will eventually succeed in extending protection to the rights of all nations, the little as well as the big, and will so acquire that power and authority which they require to be truly the guardians of peace and instruments of co-operation between nation and nation. . . .

The devious arguments and the legal subterfuges employed by the United Kingdom cannot conceal the lack of competence of the Security Council to act on the United Kingdom complaint. The reasons are the same which marked the United Kingdom Government's conduct in this matter as an unlawful interference in our internal affairs, and which rendered the International Court of Justice incompetent and its indication of provisional measures on 5 July 1951 invalid.

The nationalization of a country's basic industries is undoubtedly its sovereign right. In nationalizing the oil industry of Iran, we made use of that recognized right. No agreement or treaty exists with the United Kingdom Government limiting that right.

The so-called concession agreement of 1933 has no bearing on the case

¹ United Nations Registry number 46/04(8).

² See above, pp. 531-9.

at all. Not only is the United Government not a party to it, but it gives that Government no rights whatever. Moreover, as an agreement with a private company, it has no bearing on the high prerogatives of national sovereignty.

The fact that the imposed agreement of 1933 was made with a foreign national does not alter the case. No evidence can be adduced to show that international law puts aliens in a favoured position over the nationals of a country, which nationals are unquestionably subject to its general legislation. If governments have sovereignty in internal affairs only in respect of their own nationals but not in respect of foreigners who have the support of powerful governments, the latter would enjoy special rights and privileges incompatible with the equality of rights. Such a doctrine would subvert the law and could only ensue in a modern revival of the system of capitulatory privileges. No independent state would willingly subject itself to such degradation and slavery.

For the reasons I have indicated, the Security Council would be incompetent to lend its authority, as the United Kingdom representative has asked it to do, to the provisional measures indicated by the Court. Apart from the bar to the Council's jurisdiction interposed by Article 2, paragraph 7 of the Charter, there is another substantial reason why the Security Council may not do what the United Kingdom asks.

What are the provisional measures which the United Kingdom delegation would have the Security Council call upon Iran to obey? They are not a final judgment; in fact, they are not a judgment of any kind. Before a party to a case before the International Court of Justice, to say nothing of a Member of the United Nations that is not a party to the case, is obligated to comply with a decision of the International Court of Justice, that decision must be both final and binding. That is the clear meaning of Article 94 of the Charter.

If we look to Article 41 of the Statute of the Court, which confers on the latter power to indicate provisional measures, it appears that these cannot be final since Article 41 states that they are to be suggested 'pending the final decision'. It is only to the final judgment, however, that the Statute (Article 59) attributes binding force. It is only the final judgment which is a binding decision, and it is only with respect to such binding decisions that Members of the United Nations have, by Article 94 of the Charter, given undertakings of compliance—and then only in cases to which they are parties.

The United Kingdom representative [559th meeting], indeed, argues that there would be no point in making a final decision binding if one of the parties could frustrate that decision in advance and so render the final judgment nugatory. This is an argument de lege ferenda rather than one

declaratory of existing law. Indeed, the language of Article 41 itself negatives the inference which the United Kingdom representative would have the Security Council draw. That language is exhortative and not obligatory. The provisional measures indicated by the Court would have binding force only if the parties were bound by an arbitration treaty expressly obligating them to respect such measures.

The United Kingdom representative also attempts to derive the Security Council's authority from the provision in paragraph 2 of Article 41 of the Statute that the Court shall notify the Council of interim measures indicated by it. The inference is far-fetched and encounters the insuperable objection that an international instrument which concerns exclusively the rights and duties of the International Court cannot be construed to confer powers on the Security Council by implication. The meaning of the requirement of notice to the Security Council would appear to be obvious. It is designed to further that co-operation which is required of all organs of the United Nations. Situations may well be conceived in which it may be of interest or importance to the Security Council in the exercise of its own authority under the Charter—for it has none under the Statute—to be informed of provisional measures indicated by the Court.

I wish next to dispose of the suggestion that the Security Council must have jurisdiction, in any case, because of the existence of a threat or potential threat to international peace and security.

It hardly seems necessary to refute the United Kingdom's assertion that international peace and security require that the oil industry in Iran should continue to function under British management. If the implication of that statement is that it is the nationalization of our oil industry which has endangered peace, it is not clear why the United Kingdom Government, which has nationalized so many industries itself, should not be haled before the Security Council for having sapped the foundations of the pillars of peace. If that is not its implication, in what way does Iran threaten world peace?

Ours is a country with a population of 18 million people, many of whom live in extreme poverty. Its budget is a tiny one of about \$250 million. It has no potential for war, for it lacks heavy industry. Its army and air force are sufficient only for the needs of the maintenance of internal order, while its naval forces are sufficient only to patrol its coasts. It argues a deficient sense of humour to suggest that a nation as weak and small as Iran can endanger world peace. The assertion is strikingly reminiscent of the fable of the wolf and the lamb.

Whatever danger to peace there may be lies in the actions of the United Kingdom Government. By overt display of force, it has sought to keep us from exercising our sovereign authority over our natural resources. It has made ominous gestures such as the dispatch of paratroops to nearby places

and of vessels of war to the vicinity of our coastal waters. The irresponsible threats to land forces in Iran might have had the most disastrous consequences by lighting the flames of another world war. For those consequences, the United Kingdom Government would alone be responsible. Iran has stationed no gunboats in the Thames.

If, however, as had been publicly declared, these tactics have been abandoned, there is no longer any likelihood of a menace to international peace and security, and it is not clear how the United Kingdom Government could have the hardihood to press its complaint in the Security Council on that ground....

We cherish a sincere desire to preserve and further expand our friendly relations with the Government and the people of the United Kingdom. We are aware that British friendship can be of great value to us. We regret the fact that, in the past, the United Kingdom Government has not been sufficiently sensitive to our national aspiration. Had it been so, there would have been created an atmosphere of good will and sincere mutual confidence and co-operation helpful to the interests of both countries. The principal difficulty between us of late has been the former Anglo-Iranian Oil Company, which gave British policy in Iran its imperialistic tone. To defend ourselves against this imperialistic tendency and to make possible the creation of a friendly atmosphere, we had no alternative but to nationalize our oil industry and to end the activities of the former Company in Iran.

We also desire to preserve and to expand our friendly relations with our great neighbour to the north, the USSR. We want to bring about its belief in our friendship. We were obliged to reject the proposal made by that Government for the formation of a mixed Irano-Russian oil company. Our Majlis passed a law forbidding the granting of any concessions in the future. Even the discussion of such grants was banned by that law, so great was our desire to keep our freedom of action in this great industry, which is of such vital importance in our national life.

The former Anglo-Iranian Oil Company was a great barrier to the realization of this national aspiration. Moreover, it was a disturbing element in the policy of political equilibrium which is so essential to the political integrity of our country. With the disappearance of the Company from the political scene in Iran, there will remain no room for new demands on us or pretexts for interference.

These are the factors which led us to take the path of nationalization of the oil industry throughout Iran. They have been put forth before you in all truthfulness and sincerity....

I believe our legal position to be unassailable. We might have rested our case on it but we also have regard for the esteem in which we are held in the opinion of the world. For that reason, I have sought to give the Council

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an intimate glimpse into the reasons why the people of my country have decided to take their economic destiny into their own hands. The decision to do this, arrived at after more than a half century of patient suffering, cannot be described as either capricious or arbitrary. Moreover, it is the clear right of every people to determine the path in which the nation shall go.

This brings me to my final word. We have made it clear from the outset that we regard the Security Council as without authority to deal with this matter. The Council will not have failed to note the cogency of our arguments on the law. This is not a legal body, but primarily a political body charged with the highest political responsibilities. It will readily understand me, therefore, when I say that the political and economic independence of Iran is of the highest importance to the maintenance of international peace and security. The part of the world in which we live is one of the sensitive areas of international life. It is a meeting-place of great Powers. If it is weak, the dangers to international peace and security increase in almost geometrical proportion to the increase in our dependence on others.

PART VI

CHINA AND JAPAN

A. CHINA

1. The Chinese People's Republic and Korea

(i) Resolution declaring the People's Republic of China to be an aggressor and establishing a Good Offices Committee for Korea, adopted by the General Assembly on I February 1951¹

The General Assembly,

Noting that the Security Council, because of lack of unanimity of the permanent members, has failed to exercise its primary responsibility for the maintenance of international peace and security in regard to Chinese Communist intervention in Korea,

Noting, that the Central People's Government of the People's Republic of China has not accepted United Nations proposals² to bring about a cessation of hostilities in Korea with a view to peaceful settlement, and that its armed forces continue their invasion of Korea and their large-scale attacks upon United Nations forces there,

- 1. Finds that the Central People's Government of the People's Republic of China, by giving direct aid and assistance to those who were already committing aggression in Korea and by engaging in hostilities against United Nations forces there, has itself engaged in aggression in Korea;
- 2. Calls upon the Central People's Government of the People's Republic of China to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and to withdraw from Korea;
- 3. Affirms the determination of the United Nations to continue its action in Korea to meet the aggression;
- 4. Calls upon all States and authorities to continue to lend every assistance to the United Nations action in Korea;
- 5. Calls upon all States and authorities to refrain from giving any assistance to the aggressors in Korea;
- 6. Requests a Committee composed of the members of the Collective Measures Committee as a matter of urgency to consider additional measures to be employed to meet this aggression and to report thereon to the General Assembly, it being understood that the Committee is authorized to defer its report if the Good Offices Committee referred to in the following paragraph reports satisfactory progress in its efforts;
 - 7. Affirms that it continues to be the policy of the United Nations to
 - 1 General Assembly, Fifth Session, Supplement No. 20A, Resolutions, 498 (V), p. 1.
 - ² See Documents A/C. 1/643 and A/C. 1/645.

bring about a cessation of hostilities in Korea and the achievement of the United Nations objectives in Korea by peaceful means, and requests the President of the General Assembly to designate forthwith two persons who would meet with him at any suitable opportunity to use their good offices to this end.

327th plenary meeting,
1 February 1951.

(ii) STATEMENT BY GENERAL CHOU EN-LAI, FOREIGN MINISTER OF THE CHINESE PEOPLE'S REPUBLIC, ON THE GENERAL ASSEMBLY'S RESOLUTION OF I FEBRUARY, 3 FEBRUARY 1951

The Central People's Government of the People's Republic of China has always stood for peaceful settlement of the Korean problem and other important problems of Asia. Not to go too far back, the Central People's Government made a four-point proposal on January 17 this year with regard to these problems to the First Committee of the United Nations General Assembly.

Subsequently 12 Asian and Arab nations submitted their resolution for the convocation of a seven-nation conference in order to settle peacefully the Korean problem and other problems of the Far East. Although the title of this resolution and its contents need certain amendments and the Soviet delegate did submit amendments, the 12-nation resolution itself definitely shows a genuine desire for peace.

The majority of the nations in the United Nations, under the domination and coercion of the United States Government, disregarding the efforts of the delegates of the Soviet Union, Poland, Czechoslovakia and the majority of the sponsor nations of the 12-nation resolution, such as India, Egypt, etc., and disregarding the desire of the peace-loving people of the world, rejected in the First Committee of the United Nations General Assembly on January 30 the 12-nation resolution and the amendments submitted by the Soviet Union and adopted the United States resolution, which slanders China as an aggressor in Korea in order that the United States may further extend her aggressive war.

Subsequently, on February 1, these nations in the United Nations General Assembly in the same manner again adopted the United States resolution. This in the most barefaced way proves to the peace-loving peoples and the nations of the world that the United States Government and its accomplices want, not peace, but war, and that they have blocked the path to a peaceful settlement.

The United Nations General Assembly and its First Committee, encroaching on the powers of the Security Council, have blatantly adopted the United States resolution slandering China, without the participation

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of the lawful representative of the People's Republic of China. This is an act which is obviously illegal, slanderous, null and void, and the Chinese people firmly express their opposition.

This resolution of the United States is an utter perversion of the truth and confounds black and white. While it is obviously the United States which has engineered the Korean incident, intervened in and invaded Korea, intervened in and invaded Taiwan [Formosa], which is Chinese, yet the United States resolution alleges that the Chinese Communist Party is intervening in Korea and that the Central People's Government of the People's Republic of China is invading Korea.

While it is obvious that all people who love peace and democracy advocate sanctions against United States aggression and demand withdrawal of the United States troops from Korea and Taiwan yet the United States resolution demands the adoption of measures against the righteous actions of the Chinese people in aiding Korea to resist American aggression so as to defend their country and to protect their homes, and also demands the withdrawal of the Chinese volunteers from Korea.

While it is obvious that the United States Government has repeatedly rejected various proposals made by China and the Soviet Union for a peaceful settlement of the Korean problem and that eventually it even rejected the 12-nation resolution for the convocation of a seven-nation conference, yet the United States resolution alleges that the Government of the People's Republic of China did not accept various proposals of the United Nations for the cessation of hostilities in Korea in order to achieve a peaceful settlement.

It is true that we cannot accept the treacherous proposal of the United States of a cease-fire first and negotiations later, and therefore we have proposed the convocation of a seven-nation conference to negotiate for the cessation of hostilities, withdrawal of troops and a settlement of all related problems. But when we made a further statement that, after convocation of the seven-nation conference, a cease-fire for a limited period could be agreed on before further negotiations on all related problems, the United States Government wasted no time in intimidating and coercing the representatives of the majority of the nations in the United Nations into hurriedly rejecting the resolution for a seven-nation conference.

Is this not clear proof of the intention of the United States to extend the war and oppose peace? Therefore, while it is obviously the United States aggressive forces which intend to continue their aggression against Korea and Taiwan and to continue their large-scale onslaught and slaughter, yet the United States resolution alleged that the Chinese volunteers were continuing their aggression in Korea, and therefore called upon her accomplices to give her every assistance and not to give 'any assistance' to China. The Chinese people have never expected 'any assistance' from the

accomplices of the United States, whereas every assistance given by the accomplices of the United States to the latter has not saved her in the past and will never save her in future from disastrous defeat in Korea.

On the contrary, the Chinese people will henceforth recognise all the more clearly the aggressive ambitions of American imperialism, will be all the more determined to defeat the aggressor by their action, and will understand better how to take all the necessary measures to cope with the attempts of American imperialism and its accomplices to extend the aggressive war.

The Indian delegate to the United Nations was right in his statement that the action taken on the evening of January 30 by the majority of the nations in the First Committee of the United Nations General Assembly meant: 'No cease-fire, no negotiations and no peaceful settlement.' This is the aim of the United States Government in coercing these nations.

This is the real purpose of the United States resolution. More specifically, the attempt of American imperialism is to continue its invasion and occupation of Korea and Taiwan and its intervention in Viet Nam and South-East Asia, to proceed with a separate peace treaty with Japan and to rearm Japan at the same time as the rearmament of Western Germany in the West, so as to realise its dream of exclusive domination over the world by driving the peoples of Asia, Europe and the world into the abyss of war.

It should be pointed out that this design of the United States Government to threaten the world is a feeble one, that it cannot be carried out at will and that it is full of loopholes. This is because it is a desperate step, taken under the circumstances of a disastrous defeat of the United States aggressive forces in Korea, an increase of the contradictions of the United States at home and abroad and the unprecedented strengthening of the democratic forces for peace. It will certainly meet final failure and bankruptcy in face of the advance of the resistance forces of the people of all China, all Asia and the whole world.

The provision for the so-called 'Good Offices' body under the United States resolution reflects this situation, while at the same time it is also an attempt to deceive some goodhearted but naive peace-loving people. Such an illegal 'Good Offices' body was provided by the resolution which slanders China. It is not only naked deception. It is also an insult to the Chinese people. The Central People's Government of the People's Republic of China will pay absolutely no attention to such a body.

The domination over and coercion of the majority in the United Nations by the United States Government to carry out activities in violation of the United Nations Charter is of long standing, At the beginning of the United States aggressive war against Korea, Mr. Truman, United States President, first ordered the invasion of Korea and Taiwan, which is Chinese, by United States armed forces at noon on June 27, 1950. It was only in the

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evening of the same day that the United States Government made the majority under its domination in the Security Council, in the absence of the representatives of the Soviet Union and the People's Republic of China, endorse illegally and retroactively the action of the United States armed aggression against Korea, while making no mention of Taiwan which the United States attempted to keep for itself.

But since there is now a representative of the Soviet Union in the Security Council to observe the Charter and uphold justice, the United States resolution slandering China was directly submitted to the United Nations General Assembly in an outright, unlawful by-passing of the Security Council and in violation of the principles of unanimity among the great Powers. In spite of this, the United States resolution was adopted illegally only with great strain and under the strong pressure of threats and bribery by the United States Government.

Actually the population of the nations opposed to the United States resolution amounts to more than half of the world population and the countries supporting the 12-nation resolution have a population of 1,400 million. It can be affirmed that if the United States Government had not been able to carry out its policy of domination over and coercion of the majority in the United Nations, a situation of world peace would have been established long ago.

As has been well stated by the representative of the Soviet Union in the First Committee of the United Nations General Assembly all who voted for the United States resolution assumed serious responsibilities for the consequences of this action. Therefore to strive to bury this resolution—this shameful, aggressive, reactionary and imperialist resolution, which has been nominally and illegally adopted—to strive to render it an utter failure, will not only pave the way for a peaceful settlement of the Korean problem and other important Asian problems, but will also establish a basis for the opposition to aggressive war, for the defence of world peace and for the restoration of the dignity of the United Nations Charter.

(iii) Exchange of letters between Mr. Joseph Martin, Republican Leader in the House of Representatives, and General Douglas MacArthur, regarding United States policy in the Far East,

March 1951¹

(a) Letter from Mr. Martin, 8 March 1951

My Dear General: In the current discussions on foreign policy and overall strategy many of us have been distressed that, although the Euro-

¹ U.S.A.: Senate: Committee on Armed Services and Committee on Foreign Relations: Military Situation in the Far East: Hearings before the Committee on Armed Services and the Committee on Foreign Relations, United States Senate, β2nd Congress First Session (Washington, U.S.G.P.O., 1951) (hereafter referred to as Military Situation in the Far East), Part 5, Appendix PP, XV, J, pp. 3543-4.

pean aspects have been heavily emphasized, we have been without the views of yourself as Commander in Chief of the Far Eastern Command.

I think it is imperative to the security of our Nation and for the safety of the world that policies of the United States embrace the broadest possible strategy and that in our earnest desire to protect Europe we not weaken our position in Asia.

Enclosed is a copy of an address I delivered in Brooklyn, N.Y., February 12, stressing this vital point and suggesting that the forces of Generalissimo Chiang Kai-shek on Formosa might be employed in the opening of a second Asiatic front to relieve the pressure on our forces in Korea.

I have since repeated the essence of this thesis in other speeches, and intend to do so again on March 21, when I will be on a radio hook-up.

I would deem it a great help if I could have your views on this point, either on a confidential basis or otherwise. Your admirers are legion, and the respect you command is enormous. May success be yours in the gigantic undertaking which you direct.

Sincerely yours,

JOSEPH W. MARTIN, JR.

(b) General MacArthur's reply, 20 March 1951

Dear Congressman Martin: I am most grateful for your note of the 8th forwarding me a copy of your address of February 12. The latter I have read with much interest, and find that with the passage of years you have certainly lost none of your old-time punch.

My views and recommendations with respect to the situation created by Red China's entry into war against us in Korea have been submitted to Washington in most complete detail. Generally these views are well known and clearly understood, as they follow the conventional pattern of meeting force with maximum counter-force as we have never failed to do in the past. Your view with respect to the utilization of the Chinese forces on Formosa is in conflict with neither logic nor this tradition.

It seems strangely difficult for some to realize that here in Asia is where the Communist conspirators have elected to make their play for global conquest, and that we have joined the issue thus raised on the battlefield; that here we fight Europe's war with arms while the diplomats there still fight it with words; that if we lose the war to communism in Asia the fall of Europe is inevitable, win it and Europe most probably would avoid war and yet preserve freedom. As you pointed out, we must win. There is no substitute for victory.

With renewed thanks and expressions of most cordial regard, I am,
Faithfully yours,

Douglas MacArthur

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(iv) Statement by General MacArthur on the success of the United Nations operations in Korea and on his readiness to confer with the enemy commander for an ending to hostilities, Tokyo, 24 March 1951¹

Operations continue according to schedule and plan. We have now substantially cleared South Korea of organized Communist forces. It is becoming increasingly evident that the heavy destruction along the enemy's lines of supply, caused by our round-the-clock massive air and naval bombardment, has left his troops in the forward battle area deficient in requirements to sustain his operations.

This weakness is being brilliantly exploited by our ground forces. The enemy's human-wave tactics have definitely failed him as our own forces become seasoned to this form of warfare; his tactics of infiltration are but contributing to his piecemeal losses, and he is showing less stamina than our own troops under rigors of climate, terrain and battle.

Of even greater significance than our tactical success has been the clear revelation that this new enemy, Red China, of such exaggerated and vaunted military power, lacks the industrial capacity to provide adequately many critical items essential to the conduct of modern war.

He lacks manufacturing bases and those raw materials needed to produce, maintain and operate even moderate air and naval power, and he cannot provide the essentials for successful ground operations, such as tanks, heavy artillery and other refinements science has introduced into the conduct of military campaigns.

Formerly his great numerical potential might well have filled this gap, but, with the development of existing methods of mass destruction, numbers alone do not offset the vulnerability inherent in such deficiencies. Control of the sea and air, which in turn means control over supplies, communications and transportation, are no less essential and decisive now than in the past.

When this control exists as in our case and is coupled with the inferiority of ground fire power, as in the enemy's case, the resulting disparity is such that it cannot be overcome by bravery, however fanatical, or the most gross indifference to human loss.

These military weaknesses have been clearly and definitely revealed since Red China entered upon its undeclared war in Korea. Even under inhibitions which now restrict the activity of the United Nations forces and the corresponding military advantages which accrue to Red China, it has shown its complete inability to accomplish by force of arms the conquest of Korea.

The enemy therefore must by now be painfully aware that a decision

¹ New York Herald Tribune, 24 March 1951.

of the United Nations to depart from its tolerant effort to contain the war to the area of Korea through expansion of our military operations to his coastal areas and interior bases would doom Red China to the risk of imminent military collapse.

These basic facts being established, there should be no insuperable difficulty in arriving at decisions on the Korean problem if the issues are resolved on their own merits without being burdened by extraneous matters not directly related to Korea, such as Formosa and China's seat in the United Nations.

The Korean nation and people, which have been so cruelly ravaged, must not be sacrificed. That is the paramount concern. Apart from the military area of the problem where the issues are resolved in the course of combat, the fundamental questions continue to be political in nature and must find their answer in the diplomatic sphere.

Within the area of my authority as military commander, however, it should be needless to say I stand ready at any time to confer in the field with commander-in-chief of the enemy forces in an earnest effort to find any military means whereby the realization of the political objectives of the United Nations in Korea, to which no nation may justly take exception, might be accomplished without further bloodshed.

(v) Extracts from Mr. Acheson's testimony to the Senate Committees on Foreign Relations and Armed Services, 2 June 1951

Senator Johnson. Mr. Secretary, we have been told that a planned cease-fire proposal in the Korean War broke down as a result of General MacArthur's March 24 ultimatum² to the North Koreans and Chinese Communists.

Would you tell us in some detail from your viewpoint precisely what

happened?

Secretary Acheson. Yes, sir. We were working—we had been working with the Defense Department on a proposal which we both were considering that, as the head of the state, of the Government which had been asked by the UN to be the command, the UN command, the President might make a statement laying down what he proposed as an ending of the aggression and the stopping of fighting in Korea.

That matter had been discussed by me with the President sufficiently to get his authority to go ahead with it, although no final paper had been

laid before him.

¹ Military Situation in the Far East, Part 3, pp. 1774-5 and 1782-4.

² See above, p. 553.

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The matter had reached the point where a draft of a proposed statement was made, and had been circulated to the governments who had troops with us in Korea.

The replies of most of those governments had come in, although not all of them had come in on the date in question.

Some of the governments approved the statement without any suggested changes; others suggested some editing changes in it and, as I say, I think two—perhaps more—had not replied on that date.

General MacArthur was informed, as you have been repeatedly told in this hearing, that a statement was being planned, and his views were requested as to what freedom he required as to military purposes to carry on his campaign without embarrassment during that period.

He said he had sufficient freedom, but he just did not want any restrictions put on it.

In that situation he made his statement. It seemed to all of us, and to the governments concerned, that it was quite impossible for the President to make a statement after that one had been made; in other words, the field had been occupied, a statement had been made, and if the President had made one, then everybody puts together the statement of General MacArthur, which he made, and compares it with the President's statement, and asks is this the policy or, in the case of differences, it is not, and who is speaking for the United States?

So, it was decided that that matter had to be held in abeyance. . . .

Senator Smith. Now, I am not quite clear in my mind yet from the testimony, Mr. Secretary, as to our present objectives in Korea. Let me put the question this way:

Do we consider the objective of the United Nations in Korea the restoration of the preaggression status of Korea or the unification of the entire country?

Secretary Acheson. Well, I tried to make that clear yesterday, Senator. I am glad to go over it again.

Senator Smith. I think it is so important that it is well to reiterate it, because I am not quite clear yet what we are driving at there.

Secretary Acheson. What I said yesterday was that the military objectives of the United Nations forces in Korea are to repel the armed attack which took place against the Republic of Korea and to restore peace and security in the area.

That is what they are trying to do with military force.

Senator Smith. Could I ask you right there—when you say 'the area', do you mean the area below the thirty-eighth parallel, which is the South Korean part of it, or the entire Korean area?

Secretary Acheson. If you are going to restore peace and security, you have got to restore it in the area. You have not restored peace and security

if there are people on the other side coming over and fighting you. You have to try and stop that condition of fighting and war that is going on.

Now, the long-term political objective of the United Nations in Korea

has been to establish a free, independent, and democratic Korea.

That they have been trying to do since 1948. The United States has been in favor of that result since 1945. The forces were not put into Korea to do that when they went in in June. In other words, if the North Koreans had obeyed the instructions of the Security Council of the United Nations and withdrawn to their own part of Korea and ceased their attack, then that situation would have been resolved.

Senator Smith. Well, does that suggest the possibility of a cease-fire at

or near the thirty-eighth parallel?

Secretary Acheson. If you could have a real settlement, that would accomplish the military purposes in Korea. That is if the aggression would end and you had reliable assurances that it would not be resumed, then you could return to a peacetime status, and we would hope gradually to remove the troops from Korea, both Chinese troops and United Nations troops.

It would take some little time to do that because it is in a very disturbed

condition now, but that would be the objective.

Senator Smith. How would you prevent the same thing happening over again that happened when the North Koreans attacked the South Koreans, if we stop somewhere in the neighborhood of where we are again?

Secretary Acheson. You would have to make the best arrangements that could be made, and I think that if, as a result of this fighting in Korea, it was determined that the Chinese could not succeed in this, then

the desire to start this up again probably wouldn't recur.

If it did, of course, the most serious consequences would ensue for everybody including China. Therefore, if you once get the conviction on the part of the Chinese that they cannot, they just haven't got the strength to do what they want from the military point of view, I think you have a real possibility of working out a stable situation.

Senator Smith. Whom would we deal with in working out a cease-fire

with the Chinese Communists?

Secretary Acheson. We would have to deal with the Chinese Communist authorities.

Senator Smith. I suppose that would be a difficult problem since we are recognizing the Nationalists as the Government of China. You deal with the Chinese Communists as sort of a rump government that is making all this trouble as distinguished from the Nationalists that we recognize. That is a difficult question. I don't know the answer to it.

Secretary Acheson. Well, you would deal with them as the authority

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which is fighting your troops, and if they desire to stop fighting your troops, I don't think there is any problem about dealing with them.

Senator Smith. Do you see any distinction between a cease-fire armistice arrangement and the terms for an ultimate settlement of the Korean problem and a more definitive peace?

Secretary Acheson. Oh, yes, I very clearly see a difference. There would be various stages in this if it were possible to do it. A cease-fire is merely the technical arrangements which are made to stop the shooting.

Those were worked out and have been worked out by our Joint Chiefs of Staff and the UN people understand what they are. That merely stops the fighting.

What that should be a part of is the next stage, which would be the negotiation of a settlement in Korea, which would lead to a real stabiliza-

tion of the problem and the removal of the troops on both sides.

Senator Smith. Can you explain what troubles a great many people, and that is the authority we apparently gave to our representatives in the Assembly 2 or 3 months ago to agree to a cease-fire proposal which included the question of the seating of the Communist Chinese in the Security Council and also the question of Formosa?

Secretary Acheson. I don't think it did include those, Senator. I think what those five principles were was that after you got this thing stopped and got the Korean business settled, then you go back to the position that you were in before, that is that the discussion of seating the Chinese Communists and of the future of Formosa would revert to the condition in which it was before these attacks, and that is in the United Nations. That is where the discussion of both points was going on.

That is where it would have to go on, and this was merely to say that, 'if you people stop your defiance of the United Nations, then you will have the chance to discuss, as you had a chance before this defiance, these

questions in which you are interested.'

It didn't say that was part of the settlement or was a condition we accepted that any disposition had to be made of any one of those questions.

We did not accept that, but obviously if the defiance of the UN is removed and if the attack on the UN forces ceases and if the Korean business is settled, then these other questions go back where they were before the whole trouble started.

Senator SMITH. Well, does that imply that if we got a cease-fire and went into negotiations on a final settlement of the Korean problem, that we would include the discussion of all those questions? Or do we take the position that under no conditions would we consider the admission of Communist China to the United Nations or turning Formosa over to the Red Chinese?

Secretary Acheson. We take the position that those questions are not a

part of the settlement of the Korean difficulty. We cannot prevent other people from talking about them. If they do, we will state our point of view, which we have stated many times very strongly.

If, as and when the war in Korea is stopped and the defiance of the UN is stopped, then these two questions can be discussed in UN channels. We will continue to take our point of view and put it forward as persuasively and strongly as we can. Others may take other points of view, but it is a matter which can be discussed. It can't be discussed as long as you fight.

2. Nationalist China

- (i) Exchange of notes between the United States Government and the Chinese Nationalist Government regarding United States military assistance for the defence of Formosa¹
 - (a) The United States note, 30 January 1951

American Embassy, Taipeh, January 30, 1951

Excellency: Pursuant to instructions from my Government, I have the honour to deliver the following statement:

'The Government of the United States is prepared to make available to the Republic of China under the terms of P.L. 329, 81st Congress,² as amended, certain military material for the defense of Taiwan against possible attack.

'This material, and any other furnished under the authority of the law referred to, is transferred on the understanding that it will be used and disposed of pursuant to the following undertakings and that failure to do so by the Chinese Government will be contrary to the understanding of the United States Government, and may be considered by the United States to be cause for the cessation of further deliveries (it being understood that the undertakings contained in the first three paragraphs below apply as well to the material transferred to the Chinese Government under that law since June 27, 1950);

- '1. The Chinese Government will use the material to maintain its internal security or its legitimate self-defense.
- '2. The Chinese Government will take such security measures as may be agreed in each case between the United States Government and the Chinese Government in order to prevent the disclosure and compromise

Department of State Bulletin, 7 May 1951, p. 747.

² Mutual Desense Assistance Act 1949: Documents (R.I.I.A.) for 1949-50, p. 294.

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of classified military articles, services or information furnished by the United States Government.

- '3. The Chinese Government agrees to receive personnel of the United States Government who will discharge in the territory under the control of the Chinese Government the responsibilities of the United States Government under this agreement and who will be accorded adequate facilities to observe the progress of the assistance furnished, to confirm that the material furnished is being used for the purposes for which it is provided, and to carry out such other operations or arrangements as shall be mutually agreed pursuant to this agreement. Such personnel, including personnel temporarily assigned will, in their relations with the Chinese Government, operate as a part of the United States Embassy, under the direction and control of the Chief of the United States Diplomatic Mission.
- '4. The Chinese Government will not transfer, sell, or otherwise dispose of the material provided pursuant to the above undertakings, or any other equipment susceptible of military use, without regard to its source, or the time or manner of its acquisition, without first obtaining the assurance of the United States Government that such equipment or material is not required by the United States for its own use or required to support programs of military assistance undertaken by the United States.

'The United States Government would appreciate a written assurance from the Chinese Government of its acceptance of the undertakings in this note.'

Accept (etc.)

K. L. RANKIN (Chargé d'Affaires, a.i.)

(b) Chinese reply, 9 February 1951

Taipeh, Taiwan, February 9, 1951

Monsieur le Chargé d'Affaires: I have the honour to acknowledge receipt of your note No. 13, dated January 30, 1951, which reads as follows:

[Here follows the text of the United States note, quoted above.]

In reply, I have the honor to signify on behalf of the Chinese Government the acceptance of the undertakings set forth in your note under reference.

Please accept (etc.) (Seal)

GEORGE K. C. YEH (Minister of Foreign Affairs)

3. Economic sanctions against the Chinese People's Republic

(i) Extract from General MacArthur's testimony to the Senate Committees on Armed Services and Foreign Relations alleging the supply of strategic materials to the Chinese People's Republic through Hongkong, 3 and 4 May 1951¹

Senator Hickenlooper. May I ask your opinion on another matter, then? That is, if you care to express it, or if you have an opinion on it.

Assuming that the Chinese Reds would be able to consolidate China, that is, win a complete victory—

General MacArthur. That is, continental China?

Senator Hickenlooper. Continental China.

General MacArthur. Yes?

Senator HICKENLOOPER. And assuming that some sort of a cease-fire or appearement or something of that kind, that would give them the ultimate political victory they want, which is the consolidation of Red China, occurred—do you believe that the Red Chinese would permit the British to stay in Hong Kong very long after that consolidation?

General MacArthur (laughing). If you ask my personal opinion, no. Senator Hickenlooper. Sir?

General MacArthur. My own personal opinion would be 'No.'

Senator Hickenlooper. They would not permit them to stay there very long?

General MacArthur. That would be my belief. I think that the port of Hong Kong is now a means by which great quantities of materials, strategic and otherwise, pour through into Red China.

If Red China took that away from the British, it would react against them. I think it is beneficial for the Chinese under present conditions to allow that port to remain in the hands of the British, and to receive the constant flow of strategic materials that goes through there.

I happened to see one of the last papers before I relinquished my command in the Far East, a report from the American consul general, as to the strategic materials which had gone through Hong Kong and reached the Red Chinese. All these materials were on our proscribed strategic list. And, as I recall the figure, it was for three weeks; it was for the 2 weeks in February and a week in March, wasn't it? About three weeks at that time, and it consisted of these strategic materials alone—of \$210 million, Hong Kong dollars, worth of goods, as I recall. These figures are not accurate but they are approximately so. I think the Hong Kong dollar is now probably about 5 to 1. So that would be about \$40 million worth of strategic materials—railroads, steel products, ties, petroleums, various matters of that sort—which were cleared through Hong

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Kong alone. Now I am not talking about what might be cleared from Singapore up to Tientsin or Tsingtao or those places. This was through the port of Hong Kong alone. I correct myself, that the total that passed through there of strategic materials which were proscribed and those which were not proscribed was \$40 million.

That report—have you got that report here?

General WHITNEY. I have.

General MacArthur. We have it here. That is the report of the American consul made under—what date?

General Whitney. March 29, 1951.

General MacArthur. March of this year. That shows the great value to the Chinese of having that gateway of supply.

Now, if you place an economic blockade, of course, that would close it down, and the advantages to the Chinese of having it in British hands, and therefore open, would tend to disappear. And following the logic of your statement, it would increase the dangers and jeopardies of Hong Kong passing into Chinese hands. . . . This is a very compendious list. I don't believe the Committee would want to hear the entire list. It consists of many chemicals: Ammonium chloride, sulfate, arsenic acid, and so on—a whole page of those;

Instruments and accessories: Electric meters, wires, various apparatus of that sort;

Radio parts; Radio sets, telephone sets, transformers, wire recorders; Under machinery and fuels: Ball and roller bearings, drills, and electric drills, electric motors, hammers, metal tools, spanners, pliers, and so on;

Minerals: Asphalt, asbestos, coal tar;

Medicines of various sorts;

Metals: Aluminum scrap, ingots, bars, brass plates, bars, copper wire, iron plates, iron nails, high-speed steel, lead sheets, ingots, silicon steel sheets, steel bars, welding rods, zinc sheets, and so on;

Miscellaneous: Boiler materials, cameras, cement, fertilizers;

Laboratory equipment: Microscopes, rubber, rubber accelerators;

Petroleums: Diesel oils, fuel oils, gasoline, grease, kerosene, lubricants, paraffins, and so on.

Senator Knowland. General, that I think, would be sufficient at this time. I would like to ask your judgment as a professional soldier for more than 50 years and as the responsible commander in the Far East, whether you consider that such material would have been of substantial assistance to the Communist force opposing our troops and the other United Nations troops in Korea, and to some extent almost as valuable as actual munitions of war?

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¹ Major-General Courtney Whitney, General MacArthur's Military Secretary, accompanied him at the hearings.

General MacArthur. There is no question about it, especially petroleum, gasoline, and things of that sort. It is the very essence of the movement of an army and armed troops.

(ii) Extracts from a statement in the House of Commons by the President of the Board of Trade, Sir Hartley Shawcross, on British trade with the Chinese People's Republic, 10 May 1951¹

It seems to me that the first and natural approach to a problem of this kind would perhaps be one that tended to over-simplification, and it might well seem repugnant to have trading relations with a country engaged in fighting and killing our soldiers and the soldiers of our friends. But when matters are looked at against the general background of our responsibilities—and our commitments—in the Far East, and looked at realistically, the matter really is not quite so simple as that.

Let me, first of all, make this quite clear, because the right hon. Gentleman the Member for Woodford (Mr. Churchill) referred to it and that is my only excuse for following him with regard to the matter. For over two years past we have been controlling the export—in many cases totally prohibiting the export—of things that might be of strategic value to Communist countries. We have completely prohibited the export of arms and armaments and of goods and commodities having an immediate strategic importance to a number of destinations which cover the whole of the Soviet bloc and the whole of China. There is a very long list of things having direct military importance, or which might have direct military importance, the export of which to those countries is totally prohibited and has for a long time been totally prohibited.

In addition to that, there is another long and complicated list of things the export of which is watched and restricted to quantities which it is considered would be absorbed in the normal peace-time economy of the countries to which they are exported. Since China began to participate in the aggression in Korea a much more stringent and restrictive policy was, of course, put into operation against her. But up to that time our policy as regards China was the same as our policy in relation to the Communist States. It was one which was designed to prevent anything being exported from us or our Colonies which would build up their military potential....

The right hon. Gentleman the Member for Woodford referred to the question of recognition of the Communist Government of China. That is something which is somewhat outside the purview of my Department.

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I would like to say that before we decided to recognise the Communist Government of China we had full consultation with all the Commonwealth Governments and with a number of others. Indian recognition, as a matter of fact, preceded our own. We recognised because we thought recognition was a plain acknowledgment of the facts as they existed, and those facts as they existed entitled the Communist Government, as a matter of international law, to recognition.

I am not going to engage in controversy or argument on that point. This happened some time ago, and it has happened. It is a matter perhaps, on which one may speculate. One perhaps might wonder whether, if other Governments had followed the lead we had taken in recognising the Communist Government as the legal Government—or indeed the de facto Government of China as the right hon. Gentleman the Member for Woodford thought should have been done—the present situation would have been as serious as it is.

At all events—we thought rightly, the right hon. Gentleman the Member for Woodford may think not altogether rightly—we did recognise the Communist Government of China as the Government of China. Having done that, we did not shut our eyes as to what kind of Government it was and we have sought—and these measures have been intensified, of course, since China came into the conflict in Korea—on the one hand to prevent the export of things which would in any significant way increase the war potential of the country concerned—of China. At the same time, and here again our policy was the same as towards the other Soviet countries, we have tried to maintain a trade from which our country obtains important and necessary supplies, taking the Communist States as a whole, particularly of timber, grain and certain foodstuffs. When our policy in regard to trade relations with Communist countries is considered some of our critics perhaps do not always remember that this country is not entirely self-supporting, or that the granaries of Europe are in large part on the Eastern side of the Iron Curtain.

Nor was our traditional trade with China something we could entirely ignore. It was something of considerable economic importance to us and to other Commonwealth and colonial areas. We have thought—and I am speaking on the position generally, as the right hon. Gentleman the Member for Woodford did, before the actual participation of China in this military aggression—that it was to the advantage of the free world that both we and other countries in Western Europe should continue to draw from Eastern Europe goods which cannot readily be obtained elsewhere. But we can only obtain those goods if we send exports to those countries in return for them. Moreover, it has never been the policy of His Majesty's Government to embark upon an economic war with other countries in the world or to start an economic blockade of the Communist countries.

Until China's intervention in the conflict in Korea altered the position, as of course it did so far as China was concerned, the basic justification of our trading policy in relation to the Communist countries has been that on an objective assessment it confers as many advantages on us as it confers in return upon the Communist countries. It is very understandable that in other countries which are less dependent on imports to live and less dependent on exports to pay their way in the world, a stricter line should be taken, but, as a matter of fact, it is to be observed that our policy in this matter has been more restrictive than that of any other country, apart from the United States of America themselves.

Here let me say that in drawing up our control lists we have exchanged with friendly countries, and particularly with the United States of America, our views about these matters. I do not mean by that—and I want this to be quite clear—that we have asked for or obtained the approval of other countries to our prohibitive or our quantitative lists. The responsibility for making and operating these lists was clearly the responsibility of His Majesty's Government, and we stand by the decisions that we have taken in regard to them; but in order to assure the Committee that we have not been exporting goods of significant strategic importance, I propose very shortly to publish a statement or list of the kind of goods the export of which we have only permitted to Allied and friendly Powers.

So much for the general position before the intervention of China in the aggression in Korea. When that intervention took place it plainly became necessary to operate the controls and the restrictions with increasing severity. In pursuing that policy we were guided by four main considerations. We desired to do nothing to jeopardise the friendship and the understanding between ourselves and the United States of America and the rest of the United Nations, or to jeopardise the common purpose in which we are all engaged in this matter. That is something that we recognise to be very vital.

We desired, on the other hand, to do nothing which jeopardised the possibility of confining this conflict and localising it to Korea itself. We desired to do nothing which would jeopardise the military and the political security of our Colonial Territories in the Far East or be inimical to the interests of other Commonwealth countries. Finally, we were determined to do nothing which would jeopardise the lives or safety of our own soldiers or of the other soldiers in association with whom our soldiers were fighting, and that, obviously, is the dominant matter to which we have to have regard in determining the nature of our policy.

In the light of those considerations, and particularly of the last one, we have consistently limited exports to China to things not in themselves of direct military value or in quantities which were not of military significance. Apart from the case of rubber—and I am going to deal with the

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case of rubber—our trade with China, whether from here direct or from Colonial Territories, can have had no significant or material effect on the military potential of China in Korea. Let me concede at once that in pursuing our policy we were not able to go the whole of the way with the United States of America who imposed a complete embargo upon all trade with China in December of last year. Nor were the rest of the United Nations able to go the whole of the way with the United States in this matter. The reason for not being able to go the whole of the way with the United States has been made perfectly clear.

We have sought to make it clear beyond any possibility of doubt by anybody that we wished to avoid any extension of the Korean conflict. We have sought to make it clear that if China were to seek to negotiate a settlement of the situation in Korea she would certainly find us not ready for appeasement, but ready to give reasonable consideration to any proposal she put forward which would have the effect of restoring and maintaining the rule of law in international affairs. We considered that it would reduce the chances of confining the conflict to Korea and reaching, at the end of the day, a reasonable settlement of that kind if we were to stop all trade with her. It has not hitherto been the policy of the United Nations to impose a complete economic embargo, so we in this country did not impose a complete economic embargo.

Moreover, in applying the restrictions which we have—and I repeat that those restrictions were more stringent than those of any other country, apart from the United States of America—we have been throughout in close consultation with the United States Government. Again, I do not mean by that that the United States Administration has not asked us to extend our controls and our restrictions. Naturally, they would have liked us to be able to go further along the way with them in the direction in which they themselves have gone.

But, given the difference in our points of view about imposing economic sanctions on China, and given the very special circumstances which exist and which are created by our responsibilities for Malaya, Singapore, and Hong Kong—responsibilities which give rise to problems for us which are very difficult and which are not shared at all by the Government of the United States of America—we hope—and I think it is fair to say this—that the United States Government have at least been aware of the special nature of our problems and of the importance of the steps that we have taken, in spite of those problems, to cut down our trading relationship with China.

Indeed, the proposal which the United States Government have now made themselves to the Additional Measures Committee of the United Nations, and to which we shall give our support in that Committee, is

not even now a proposal which calls for a total cessation of trade with China or which is intended to impose a complete blockade....

Now I want to deal with the matter in a little more detail with regard to particular exports. So far as those from the United Kingdom to China are concerned, I gave a list of those in some detail last Tuesday and, in view of what the right hon. Gentleman was good enough to say, I do not propose to enlarge upon it now. I merely repeat what I said then—that it is complete nonsense to suggest, as has been suggested—not at all by the right hon. Gentleman—that we were flooding Hong Kong with exports from this country, or sending them direct to China, which had the effect of increasing China's war potential. That is quite untrue; there is not the slightest foundation for it.

As China has become more involved in the conflict in Korea, so we have progressively imposed new controls and restrictions and strengthened existing controls and restrictions upon our trade with her. That is a continuing process and I can assure the Committee, both in regard to direct trade from here and also trade from the Colonies to China, that we shall exercise a very vigilant watch over what is going on in the light of the circumstances as they exist at the time.

It is the exports from the Colonial Territories to China which have presented by far the greatest problem. Much has been said—and very naturally said—about the rubber situation. We published the facts about it a month ago, and I must say that we noticed their significance and took action to deal with the matter before we had published the facts, and, indeed, long before the House showed their very proper anxiety about this matter. Here, I should like to pick up the point which was put to me by the right hon. Gentleman as a result of an intervention by somebody else—a point about the figures. . . .

I gave the figures in an answer, I think, on 15th April.¹ Those figures, as I am assured quite definitely by the Colonial Office—and I have here the statistics given me—included the rubber which was exported through Hong Kong. Rubber is exported from Malaya or Singapore. Some of it goes direct and some of it goes via Hong Kong, and the total figures were the larger figures—and they included the lesser imports through Hong Kong. Rubber is not produced in Hong Kong, as the right hon. Gentleman knows, but it goes through Hong Kong in the course of transit....

I do not think I need reiterate all the difficulties which have surrounded this question of the rubber trade, nor need I remind the House that, whilst the economy of Malaya and Singapore depends largely on the rubber trade, and whilst other sources of supply are obviously open to China, this is not a matter with which it is very easy to deal. Nor need I discuss the obvious complications to our interests out there which arise from the

^{1 25} April 1951, H.C. Deb. 5th ser. vol. 487, Written Answers, col. 67.

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breaking of forward contracts and matters of that kind. We considered that the quantities of rubber which were being exported to China were certainly in excess of her civilian requirements and, although none of the other rubber-producing countries has so far taken the same action as we decided to take, we cut down the exports to what we thought was a reasonable figure, and we did that notwithstanding the difficulties and the embarrassments it would cause in the two Colonial Territories concerned.

I should perhaps say that, although we have been in constant communication with the United States of America on this question, our decision to cut down the imports to the figure of 2,500 tons a month was taken without prior discussion with them and on our own responsibility. I am sure that American public opinion appreciated the action we have taken, but there was no question of their agreeing to it; this was our decision and we took it. Since taking it, a little over a month ago, we have been further examining the matter between ourselves and the Colonial Governments concerned and we have now decided, in view of the abnormally high imports of rubber into China in the first quarter of this year, that her civilian needs can be regarded as fully satisfied for the current year.

What, therefore, we have decided to do, in view of these abnormally high imports into China in the first quarter of this year, is to request the Governments concerned in Malaya and Borneo to take steps to ensure that there will be no further exports this year of rubber to China from Malaya and from the other British territories involved, and we are asking the Colonial Governments to act as quickly as they can in the matter. . . .

In asking our own Colonial Governments to stop these supplies of rubber, what we are doing is to express the hope, as I now do, that other rubber-producing countries will refrain from providing alternative sources of supply which might help to build up China's war potential. We express that hope now, and at the earliest opportunity, when this matter comes before the Additional Measures Committee of the United Nations with a view to securing co-operation in this matter by all concerned, so that our interests will not have been sacrificed and so that action by ourselves alone, however meritorious it may be, would not be rendered ineffective by supplies going into China from other countries....

I should add this about the rubber position. To mitigate the hardship which these decisions may create in Malaya and the other countries concerned, His Majesty's Government are prepared to buy the rubber for which forward contracts had been made in good faith before the imposition of these restrictions, and these purchases will be in addition to those which we should have made in any event, so that we hope no financial loss will be caused directly in consequence of what we have done.

Now I turn to the very special problem of Hong Kong-China trade.

In relation to any attempt to restrict trade with China the position of Hong Kong is manifestly more difficult than that of any other territory in the world. I wish that some of those who have criticised the policy which the Government of Hong Kong have been pursuing had familiarised themselves with the position of Hong Kong. That is what has always got to be borne in mind in considering the policy—the trade policy—that that Colony has pursued. Even if they only considered its geographical position, that would help them to realise some of the difficulties that have to be encountered.

Hong Kong is a great international entrepôt port through which supplies have moved into and out of China from all over the world. I say from all over the world because it is not only the United Kingdom that exports to Hong Kong. Of Hong Kong's total imports 22 per cent. come from China; 10 per cent. come from the United Kingdom; 17 per cent.—I am taking the figures for last year—come from the United States of America. That entrepôt trade, and the local industries which are based on importing raw materials and making them up and then exporting the products, is the life blood of Hong Kong, and without it it could not possibly maintain its economy or support its population of 2,500,000 people. In particular it depends on China for a considerable part of its food supply, particularly fresh foods which could not easily be obtained from elsewhere; and its water supply, although not, as I mistakenly said the other day, coming actually from Chinese territory comes from the mainland and is extremely vulnerable in its situation.

Moreover, 95 per cent. of the population are Chinese, many of them recent refugees and almost all maintaining close personal ties with China. It must be clearly realised by those who criticise Hong Kong policy in regard to trade with China that any serious food shortage, or any considerable unemployment in Hong Kong would provide opportunities for economic and political difficulties of a most serious kind. A military victory against Communism at the front door is of no good if Communism is infiltrating through the back door owing to economic, social and political difficulties.

In spite of the obviously high degree to which Hong Kong's economy depends on trade with China the Hong Kong Government have imposed a total prohibition on the export to China of over 200 items of industrial equipment, such as a wide range of machine tools, steel products of particular strategic importance, copper, brass, cobalt, aluminium, zinc, nickel, rubber tyres and tubes, many chemicals, including sulphur and sulphuric acid, certain types of railway rolling stock and a large range of specialised radio and electrical equipment. All this in addition to the obvious things like arms, aircraft and munitions. The full effect of these restrictions is not yet shown in our last trade returns which have reached London—but I am

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told that the provisional figures for April show a very large drop in volume compared with earlier months.

A great deal of publicity has been given to statements said to have been made by General MacArthur about Hong Kong's trade with China.¹ I cannot think his statement has been fully reported. At all events I am sure he would wish the full facts to be known. First of all I should point out that the document from which General MacArthur was quoting was, apparently, a secret document, specially furnished at fortnightly intervals by the Hong Kong Government to the United States authorities as part of the system of keeping a careful watch and statistical check upon exports to China.

It would be difficult to find better evidence of our desire to co-operate closely with the U.S. authorities in the application of these controls and in supplying them fully with information of what was going on than the production of that document which fortnight by fortnight was handed by our authorities to the authorities of the Supreme Commander in that theatre of war. I do not find this fact referred to in the reports published over here of General MacArthur's statements to the Senate Committee.

General MacArthur, if correctly reported, seems perhaps not to have fully appreciated the nature of some of the information in the document itself. He referred by name to a number of items on this so-called strategic list, as I think it was called, but he did not mention the smallness of the quantities of many of the items involved. Thus he referred to petroleum, diesel oils, fuel oils, gasoline, kerosene and lubricants. Certainly they were on the list. His recital of the fact caused very naturally great anxiety. What he does not seem to have pointed out, at any rate so far as the reports over here are concerned, is that the list showed nil quantities as having been exported to China. In fact all exports of that kind had been prohibited as long ago as July, 1950.

Other items he quoted had been prohibited, as he might perhaps have been able to ascertain before he made his statement. Others again, although on the list, are not ordinarily regarded as being of strategic importance, such, for instance, as fertilisers, hand tools and insecticides. These are the things to which he has specifically referred. Of the remaining items to which he specially referred, many were not—I do not say all—being exported in quantities which can be regarded as strategically significant. I do not want to reduce the thing to an absurdity—but in the list for the period 19th February to 4th March from which the General was apparently quoting, he chose to select cameras. The list showed one camera exported to China over that period.

Having said that, let me agree that the total figures for Hong Kong exports to China have been high in the first quarter of this year as com-

¹ See above, p. 560.

pared with last year as a whole—£43 million as compared with £91 million for the previous year. It does not follow, as I have been pointing out, that in those exports was anything in sufficient quantity to have any strategic importance, but looking at the list as a whole, I am not prepared to say there were not a few items which it would have been better to restrict more stringently. That has now been done.

But while it is very easy for people to say: 'Impose still more restrictions,' I do beg them to have in mind these considerations: First, the need to refrain from measures which would cause serious economic hardship and consequent political difficulties in Hong Kong. Second, the need to ensure by way of trade the supply of foodstuffs and raw materials to maintain Hong Kong's economy and which can only be obtained from China—exactly the kind of consideration which no doubt led General MacArthur himself to allow Japan's exports to China in 1950 to build up from a monthly average of just over half a million dollars in the first half of the year to a monthly average of nearly $3\frac{1}{2}$ million in the last quarter of last year. Third, there is the need to refrain from action which might cause a widening of the field of conflict in Asia.

Subject to all these considerations—and in spite of all those difficulties—and they are very real and cogent difficulties which do not arise for the U.S. but which do for us—we intend, as I have said, not only to support the proposals which the U.S. are putting before the Additional Measures Committee of the U.N. and to march along with the rest of the U.N. in this matter—indeed, we are far ahead of all of them apart from the U.S.A.—not only that, but we have been reviewing with the Governor of Hong Kong what further steps can be taken without waiting for the United Nations to make sure that no Hong Kong exports are sent to China which might assist China in any way at all to build up the strength or military potential of her country. . . .

I finish what I fear has been an overlong speech on a subject of some great importance, not only for this country but elsewhere, by expressing the hope that the statement I am now concluding will not only clear up misunderstandings here, but will fully allay the anxieties in the United States of America—anxieties which we very readily understand, but which we think were largely based on a lack of adequate information. We in this country have never been backward in supporting the cause of freedom and in protecting the reign of law and democracy, and we are not backward now.

(iii) Resolution imposing an embargo on the shipment of arms and strategic materials to areas under the control of the Chinese People's Republic and the North Korean authorities, adopted by the General Assembly on 18 May 1951¹

The General Assembly,

Noting the report of the Additional Measures Committee dated 14 May 1951,2

Recalling its resolution 498 (V) of 1 February 1951,3

Noting that:

- (a) The Additional Measures Committee established by that resolution has considered additional measures to be employed to meet the aggression in Korea;
- (b) The Additional Measures Committee has reported that a number of States have already taken measures designed to deny contributions to the military strength of the forces opposing the United Nations in Korea;4
- (c) The Additional Measures Committee has also reported that certain economic measures designed further to delay such contributions would support and supplement the military action of the United Nations in Korea and would assist in putting an end to the aggression;
 - 1. Recommends that every State:
- (a) Apply an embargo on the shipment to areas under the control of the Central People's Government of the People's Republic of China and of the North Korean authorities of arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials, of strategic value, and items useful in the production of arms, ammunition and implements of war;
- (b) Determine which commodities exported from its territory fall within the embargo, and apply controls to give effect to the embargo;
- (c) Prevent by all means within its jurisdiction the circumvention of controls on shipments applied by other States pursuant to the present resolution;
- (d) Co-operate with other States in carrying out the purposes of this embargo;
- (e) Report to the Additional Measures Committee, within thirty days and thereafter at the request of the Committee, on the measures taken in accordance with the present resolution;
 - 2. Requests the Additional Measures Committee:
- (a) To report to the General Assembly, with recommendations as appropriate, on the general effectiveness of the embargo and the desirability of continuing, extending or relaxing it;

General Assembly, Fifth Session, Supplement No. 20A, Resolutions, 500 (V), p. 2.

² A/1799.

³ See above, p. 547.

⁴ General Assembly, Fifth Session, First Committee, 443rd Meeting.

(b) To continue its consideration of additional measures to be employed to meet the aggression in Korea, and to report thereon further to the General Assembly, it being understood that the Committee is authorized to defer its report if the Good Offices Committee reports satisfactory progress in its efforts;

3. Reaffirms that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea, and the achievement of United Nations objectives in Korea by peaceful means, and requests the

Good Offices Committee to continue its good offices.

330th plenary meeting, 18 May 1951.

4. Relations with the West

(i) STATEMENT BY THE BRITISH FOREIGN OFFICE ON THE TREATMENT OF FOREIGN NATIONALS IN CHINA, 10 SEPTEMBER 1951

It will be remembered that at the end of April, His Majesty's Government made representations to the Chinese Government about the arrest of United Kingdom, Australian, Canadian and United States nationals, and their detention *incommunicado*, often without any explanation of the reason for their arrest.

No improvement in the treatment of foreign nationals in China has taken place since April: on the contrary, the position has deteriorated yet further. Arbitrary arrests and detention for indefinite periods without access to families, friends, or national representatives have continued. Harsh treatment has been inflicted on missionaries of all denominations and on other people who have for many years been engaged in humanitarian work in China. Further, it appears that the Chinese authorities, in circumstances in which this would be contrary to generally accepted principles, hold individuals personally responsible for the transactions and liabilities of the commercial and other enterprises by which they are employed. In some cases there is reason to believe that persons are not being allowed to leave China for this very reason. Apart from this special type of case, there have been continual difficulties and delays in obtaining entry and exit permits for all classes of foreign nationals.

Although British business and other interests have been encouraged to remain in China by their understanding that the Central People's Government wish to maintain commercial relations with other nations, they have been subjected to constant uncertainties and hindrance which have caused grave disappointment and anxiety. For example, employers of labour are not even able to go into voluntary liquidation when, as a result of lack of materials or other circumstances beyond their control, they are no longer

¹ Foreign Office Press Release, 10 September 1951.

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in a position to maintain their output. They are in fact prevented from reducing their payroll, with the result that they are often forced to incur heavy losses. They may then be held personally responsible for liabilities so incurred, as already explained.

In these circumstances, His Majesty's Chargé d'Affaires, acting under instructions, made representations on the 1st September to the Chinese Ministry of Foreign Affairs, expressing the grave concern of His Majesty's Government in the United Kingdom at Chinese policy towards foreign nationals and requesting that steps should be taken in the near future to bring about an improvement.

His Majesty's Chargé d'Affaires was instructed to speak also on behalf of His Majesty's Governments in Australia, Canada, and Ceylon, and the Government of the United States of America, whose respective interests in China the United Kingdom represents.

(ii) Extract from General Chou En-lai's political report to the third session of the first National Committee of the Chinese People's Political Consultative Conference, Peking, 2 November 1951¹

The people of our country have never harboured thoughts of threatening or invading anyone. But we cannot for a moment tolerate other people's threats and aggression against us. All those countries which are willing to establish diplomatic and trade relations with us, on the basis of the principle of equality, mutual benefit and mutual respect for territorial sovereignty, will certainly be welcomed by us, while the imperialists who dream of threatening our people with the policy of aggression and war will certainly meet with our resolute counter-blows. This is the foreign policy we are pursuing and will continue to pursue in the future.

The United States Government could not face up to the utter failure which resulted from its intervention in China's civil war. So on June 25, 1950, it started the war of intervention in Korea and simultaneously invaded Taiwan [Formosa], which is part of our country. Thus the American Government has thoroughly exposed its war policy of consistently threatening China's independence and destroying peace in the Far East. Repeatedly the Chinese people and the Chinese Government have made proposals and issued warnings to the United States Government, demanding that the United States armed forces withdraw from Taiwan, that the aggressive war in Korea be brought to an early end and that problems concerning Korea and the Far East be settled by peaceful means. However, the United States Government unscrupulously rejected such proposals and warnings and ordered its armed forces to cross the 38th Parallel in great strength and to approach the Yalu River. At the same time its air

¹ New China News Agency, 6 November 1951.

force repeatedly bombed and strafed cities and villages of our Northeast frontier and its naval forces attacked our vessels on the seas. This was beyond the forebearance of the Chinese people, so they organised volunteer forces to resist American aggression, aid Korea, protect their homes and defend their country. They went to Korea and resisted the aggression of American imperialism. The democratic parties of China issued a joint declaration on November 4, 1950, in support of this righteous action.

So far as military equipment is concerned, the Chinese people's volunteers are still inferior in comparison with the American aggressive forces. However, they possess a high level of political consciousness and have confidence in victory; they have mastered the laws of righteous war and possess experience of protracted warfare against an enemy, and have won the full support of the Chinese and Korean people and the sympathies of progressive peoples of the whole world. As a result of a year's fighting, the Chinese people's volunteers have, side by side with the Korean People's Army, dealt heavy blows to the arrogant and ruthless American aggressive forces and driven them from the bank of the Yalu River back to the vicinity of the 38th Parallel. During 11 and a half months—from October 25, 1950, to October 10, 1951—a total of 387,000 enemy troops have been killed, wounded or captured (including 176,000 American troops) and 2,310 enemy planes have been shot down, damaged or captured.

In this righteous war to resist American aggression and aid Korea, the Chinese people have strengthened and consolidated themselves in all fields. But the state of attrition of the aggressive war in Korea is so colossal and the main forces which are bogged down there are so large that the American Government and its vassals cannot help worrying about consequences of the military adventure which they embarked upon in Korea.

Despite all this, the objective of the righteous action taken by the Chinese people's volunteers is still the same: to defend the frontiers of our country and to settle the Korean question through peaceful means. Therefore, when Mr. Malik, the Soviet delegate to the United Nations, proposed on June 23, 1951, that the first step for the realisation of a peaceful settlement of the Korean question was for the two belligerents to negotiate for an armistice and to withdraw their respective troops from the 38th Parallel, the Chinese and Korean peoples promptly responded and showed their willingness quickly to achieve an armistice on an equal and just basis, so that further steps could be taken to seek a peaceful settlement of the Korean question and other Far Eastern questions.

In spite of the fact that the United States Government was forced to accept Mr. Malik's proposal, due to difficulties caused by the aggressive war in Korea and the pressure of world public opinion, and began initial talks for an armistice in Korea on July 10, it has been unwilling, for

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diplomatic and domestic reasons, to reach a quick agreement in the cease-fire negotiations.¹ Consequently, the United Nations Command had no scruples about creating all kinds of provocative incidents, complicating and delaying the negotiations. In these conditions, in order to comply with the peaceful will of the peoples of the world, the Chinese people have maintained throughout a very firm yet very patient attitude and, together with the Korean people, have been making continuous efforts to fight for the success of the armistice negotiations in Korea.

But at the same time the Chinese people must be prepared in every way against the possibilities of failure in the negotiations resulting from obstructions on the part of the United States. With the view to defending peace and security in China and Korea as well as in the whole Far East, the Chinese people must continue to raise their vigilance and to support with all their efforts the long-term struggle to resist American aggression and aid Korea. The Chinese people have determined to liberate Taiwan from the grip of the American aggressors and will never relax until they have achieved that end.

For a year now the United States Government has also been conducting, in various other ways, hostile activities against the Chinese people. It has prevented the People's Republic of China from enjoying the legitimate status in the United Nations that she is entitled to. In the meetings of the United Nations it has torn to pieces the Cairo Declaration and the Potsdam Declaration and refused to withdraw its armed forces from Taiwan. With a majority of the United Nations under its control, an extremely fantastic and shameful resolution labelling China an 'aggressor' was passed on February 1, 1951.² Following this, the majority of the United Nations, under United States coercion, also passed a resolution to place an embargo on China.³ All this has thoroughly exposed the fact that the United Nations has gradually become the tool of American imperialism in its plans to prepare war and extend aggression.

The stupid and shortsighted American imperialists fancied that the 'blockade' and the 'embargo' would certainly deal a heavy blow to our country, but they are entirely mistaken. Actually this very 'blockade' and 'embargo' were utilised by us to help eliminate the semi-colonial, dependent character of our economy and to shorten the road for reaching complete independence and self-reliance in our economy. Far from hurting us, the blow has rebounded upon the imperialists themselves. The 'economic blockade' imposed by the United States has even served to hasten our progress in eliminating the economic privileges in China enjoyed by the American imperialists. In the course of the movement to resist American aggression and aid Korea the Chinese people have

For the truce negotiations see below, pp. 634-61.

² See above, p. 537.

smoothly put a complete end to the aggressive cultural activities which the American imperialists conducted in our country for so many years, and have gradually eliminated the pro-American outlook which worships everything American, as well as fear of America. All this is very beneficial to our country and people.

Utilising the tense situation created by the Korean war, the American Government compelled a group of satellite countries to attend the San Francisco conference (September 4-8, 1951) and to sign the separate 'peace treaty' with Japan. Moreover, the United States signed with Japan the so-called 'bilateral United States-Japan security pact' which permits an indefinite occupation of Japan by American troops. This so-called 'peace treaty' and 'security pact', which are hostile to the Soviet Union and China, threaten the Asian people and aim to revive Japanese militarism and establish Japan as a colony of America, and the 'United States-Philippines mutual defence treaty' and the 'tripartite security treaty between the United States, Australia and New Zealand',2 signed on the eve of the San Francisco conserence, are the instruments with which the United States aims to oppress and enslave the Asian people and to prepare for unleashing another war in Asia. We must further expose American militarist plots of frenzied war preparations in the Far East, and call on all people of Asia and of the world to unite and defeat the war plans of the United States.

It is entirely unreasonable that the American Government should more and more interfere in the internal affairs of Viet Nam and other Asian countries. As early as June 28 last year, Chairman Mao Tze-tung said, 'The affairs of various countries throughout the world should be run by the peoples of the respective countries themselves, and the affairs of Asia should be run by the peoples of Asia themselves, and not by the United States. United States aggression in Asia will only arouse the extensive and resolute resistance of the peoples of Asia.'

The situation in Asia has undergone a fundamental change. Under the influence of the success of the Chinese revolution, the level of consciousness of the Asian people has been raised to an unprecedented degree and liberation movements are developing more and more strongly with each passing day. The unity of the Chinese people and peoples of Asia will certainly create a powerful and matchless force in the Far East which will rapidly push forward the great wheel of history in the movement for independence and liberation of the peoples of the Asian countries.

After the United States Government launched the aggressive war in Korea, some countries followed it and obeyed its direction in adopting extremely unfriendly and even hostile measures towards the people of our country. We particularly warn the governments of these countries to put

² See below, p. 677.

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an end to these measures; otherwise they must bear the full responsibility for and the consequence of their unreasonable actions. There are more than 10 million Chinese nationals living overseas. Lawful rights and interests of these people, as a result of unreasonable discrimination and even persecution on the part of certain countries, have been seriously infringed. This cannot but arouse the serious attention and deep concern of the Chinese people and Government.

5. Tibet

- (i) AGREEMENT BETWEEN THE CHINESE CENTRAL PEOPLE'S GOVERNMENT AND THE TIBETAN GOVERNMENT ON THE ADMINISTRATION OF TIBET, PEKING, 23 May 1951
- 1. The Tibetan people shall unite and drive out imperialist aggressive forces from Tibet so that the Tibetan people shall return to the big family of the motherland—the People's Republic of China.
- 2. The local government of Tibet shall actively assist the People's Liberation Army to enter Tibet and consolidate the national defences.
- 3. In accordance with the policy towards nationalities laid down in the Common Programme of the Chinese People's Political Consultative Conference, the Tibetan people have the right of exercising regional autonomy under the unified leadership of the Central People's Government.
- 4. The central authorities will not alter the existing political system in Tibet. The central authorities also will not alter the established status, functions and powers of the Dalai Lama. Officials of various ranks shall hold office as usual.
- 5. The established status, functions and powers of the Panchen Ngoerhtehni shall be maintained.
- 6. By the established status, functions and powers of the Dalai Lama and of the Panchen Ngoerhtehni are meant the status, functions and powers of the Thirteenth Dalai Lama and of the Ninth Panchen Ngoerhtehni when they were in friendly and amicable relations with each other.
- 7. The policy of freedom of religious belief laid down in the Common Programme of the Chinese People's Political Consultative Conference shall be carried out.

The religious beliefs, customs and habits of the Tibetan people shall be respected, and lama monasteries shall be protected. The central authorities will not effect a change in the income of the monasteries.

- 8. Tibetan troops shall be reorganised step by step into the People's Liberation Army and become a part of the national defence forces of the People's Republic of China.
 - . 9. The spoken and written language and school education etc. of the

1 New China News Agency, 28 May 1951.

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Tibetan nationality shall be developed step by step in accordance with the actual conditions in Tibet.

10. Tibetan agriculture, livestock raising, industry and commerce shall be developed step by step, and the people's livelihood shall be improved

step by step in accordance with the actual conditions in Tibet.

II. In matters related to various reforms in Tibet, there will be no compulsion on the part of the central authorities. The local government of Tibet should carry out reforms of its own accord, and when the people raise demands for reform, they shall be solved by means of consultation with the leading personnel of Tibet.

12. Insofar as former pro-imperialist and pro-Kuomintang officials resolutely sever relations with imperialism and the Kuomintang and do not engage in sabotage or resistance, they may continue to hold office

irrespective of their past.

13. The People's Liberation Army entering Tibet shall abide by all the above mentioned policies and shall also be fair in all buying and selling

and shall not arbitrarily take a needle or thread from the people.

14. The Central People's Government shall have the centralised handling of all external affairs of the area of Tibet; and there will be peaceful co-existence with neighbouring countries and the establishment and development of fair commercial and trading relations with them on the basis of equality, mutual benefit and mutual respect for territory and sovereignty.

15. In order to ensure the implementation of this agreement, the Central People's Government shall set up a military and administrative committee and a military area headquarters in Tibet, and apart from the personnel sent there by the Central People's Government shall absorb as many local

Tibetan personnel as possible to take part in the work.

Local Tibetan personnel taking part in the military and administrative committee may include patriotic elements from the local government of Tibet, various districts and various principal monasteries; the name list shall be set forth after consultation between the representatives designated by the Central People's Government and various quarters concerned, and shall be submitted to the Central People's Government for appointment.

16. Funds needed by the military and administrative committee, the military area headquarters and the People's Liberation Army entering Tibet shall be provided by the Central People's Government. The local government of Tibet should assist the People's Liberation Army in the purchase and transport of food, fodder and other daily necessities.

17. This agreement shall come into force immediately after the signa-

tures and seals are affixed to it.

Signed and sealed by delegates of the Central People's Government with full powers:—

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Chief delegate: Li Wei-han;

Delegates: Chang Ching-wu; Chang Kuo-hua; Sun Chih-yuan.

Delegates with full powers of the local government of Tibet:-

Chief delegate: Kaloon Ngabou Ngawang Jigme;

Delegates: Dzasak Khemey Sonam Wangdi; Khentrung Thupten Tenthar; Khenchung Thupten Lekmuun; Rimshi Samposy Tenzin Thundup.

Peking, May 23, 1951.

B. JAPAN

(i) Exchange of notes between the Governments of the U.S.S.R. and the U.S.A. regarding the draft Peace Treaty for Japan

(a) Russian note, 7 May 19511

The Government of the U.S.S.R. received on March 29, 1951, from the Government of the United States of America a draft of a peace treaty with Japan. In connection with this, the Soviet Government considers it necessary to make the following remarks.

In spite of the fact that more than 5 years have already passed since the time of the termination of war with Japan, the question of a peaceful settlement for Japan remains unresolved. Such a situation has been created, first of all, as a result of the position taken by the Government of the U.S.A., which under various pretexts has postponed not only the conclusion but the very preparation of a peace treaty. In this connection, the Government of the U.S.A. has repeatedly rejected the proposals of the Soviet Government for the preparation of a peace treaty with Japan jointly with other Governments, as envisaged by the appropriate international agreements. As a result of this, the occupation of Japan by foreign troops has impermissibly dragged on.

1. The remarks of the Soviet Government concern, first of all, the incorrect preparation of a peace treaty with Japan.

In the memorandum accompanying the American draft of a peace treaty with Japan, the Government of the U.S.A. declares that the draft referred to was drawn up after an exchange of opinions between representatives of the Government of the U.S.A. and representatives of the Governments of several other states, including the Soviet Union. It should be noted that this last is not true, since the Soviet Government as early as the beginning of March of this year published a statement concerning its refusal to carry on separate negotiations with representatives of the U.S.A. with regard to the preparation of a peace treaty with Japan. In this connection, the Soviet Government proceeded from the position that the preparation of a peace treaty with Japan cannot be the affair of any one

Department of State Bulletin, 28 May 1951, pp. 856-8.

Governments or of a query conducted by it of the opinions of other interested Governments, but should be a joint affair of all these Governments, as is provided for by the appropriate international agreements. Nevertheless, the Government of the U.S.A. did not refrain from the separate preparation of a peace treaty with Japan, aiming at arrogating this right exclusively to itself, which is a violation of the obligations undertaken by it concerning the preparation of a peace treaty with Japan jointly with the U.S.S.R., China, and Great Britain, with the participation of other interested states.

In accordance with the Potsdam Agreement of August 2, 1945, a Council of Foreign Ministers of the five powers-U.S.A., U.S.S.R., China, Great Britain, and France—was established, in which connection it was directly stated in the Potsdam Agreement that the Council of Foreign Ministers was being created, in the first instance, for 'preparatory work on peaceful settlement,' and that in drawing up the corresponding peace treaties 'the Council would consist of members representing those states which have signed the terms of capitulation dictated to that enemy state which the given task concerns.' The peace treaties with Italy, Rumania, Bulgaria and Finland were prepared and concluded in conformity with this. That the drafting of a peace treaty with Japan has been laid upon the U.S.A., the U.S.S.R., China and Great Britain, who, as is known, signed the Japanese surrender document, also flows from the Potsdam Agreement referred to. As early as 1947 the Soviet Government proposed calling a special session of the Council of Foreign Ministers composed of the representatives of China, U.S.A., U.S.S.R. and Great Britain in order to embark upon the preparation of a peace treaty with Japan. In this connection, it was envisaged that all states who participated with their armed forces in the war with Japan would be drawn into the preparatory work for drawing up a peace treaty with Japan. But this proposal as well as other repeatedly renewed efforts of the Soviet Government directed toward hastening the conclusion of a peace treaty with Japan have furnished no positive results, since the Government of the U.S.A. ignores the necessity of calling a Council of Foreign Ministers for the preparation of a peace treaty with Japan as well as calling a peace conference for the consideration of this treaty.

The Soviet Government considers it necessary to mention particularly the impermissibility of excluding China from the preparation of a peace treaty with Japan. It is known that China was subjected during the course of many years to cruel aggression on the part of militaristic Japan, waged a protracted hard war against Japanese imperialism and bore the greatest sacrifices from the aggression of Japan. It is natural, therefore, that the Government of the Chinese People's Republic, being the only legal

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representative of the Chinese people, has a special interest in the preparation of a peace treaty with Japan and in the establishment of lasting peace in the Far East. It is perfectly obvious that without the participation of the Chinese People's Republic in the work of preparing a peace treaty with Japan a real peaceful settlement in the Far East is not possible.

From this it is seen that the Government of the United States is endeavouring to exclude the U.S.S.R., the Chinese People's Republic and other countries from the preparation of a peace treaty with Japan and to take this matter exclusively into its own hands in order unilaterally to impose upon Japan through the procedure of a dictate conditions of this treaty satisfactory to the Government of the U.S.A., utilizing for this purpose the dependence of the present Government of Japan upon the American occupation authorities.

2. The remarks of the Soviet Government concern, secondly, the fact that the American draft of a peace treaty with Japan contains from the point of view of the substance of the matter, several incorrect contentions incompatible with existing agreements between the powers.

In such known international documents as the Cairo Declaration of 1943, the Potsdam Declaration of 1945, and the Yalta Agreement of 1945 the Governments of the United States of America, Great Britain, China, and the U.S.S.R. took upon themselves definite obligations with relation to a future peace treaty with Japan.

In these documents the territorial borders of Japan were defined and it was pointed out that there should exist in Japan 'a peacefully disposed and responsible government in conformity with the freely expressed will of the Japanese people,' after which the occupation troops should be withdrawn from Japan.

In these documents, as well as in a subsequent agreement between the powers, it is stated that there should in Japan 'be eliminated all obstacles to the revival and straightening of democratic tendencies among the Japanese people' and that broad possibilities for the development of the peaceful economy of the country should be opened up. Along with this it is stated there that it is necessary to finish with the authority and influence of the militarists and to accomplish the demilitarization of Japan.

The American draft of a peace treaty with Japan ignores in one degree or another these obligations of the powers which flow from the documents referred to above.

First of all, this must be said of territorial questions.

For example, in the Cairo Declaration of 1943 it is directly stated that the Island of Taiwan and the Pescadores Islands should be returned to China. In this American draft it is stated only that Japan renounces all rights to Taiwan and Pescadores Islands, but nothing is said regarding the transfer of Taiwan and Pescadores Islands to China. From this the

conclusion can be drawn that the draft leaves the present situation with Taiwan and the Pescadores Islands, which have actually been torn away from China, without change, in violation of the Cairo Agreement concerning the return of these islands to China.

The American draft provides, further, for taking the Ryukyu, Bonin, Rosario, Volcano, Parece Vela, and Marcus Islands out from under the sovereignty of Japan and transferring them under the administration of the U.S.A. under the pretext of establishing a trusteeship over them, allegedly on the part of the United Nations Organization. Inasmuch, however, as the wresting of the islands named away from Japan is envisaged neither by agreement between the powers nor by decision of United Nations in the person of the Security Council, such wresting away does not have any justification.

Those deviations on military matters from the international agreements mentioned above which are contained in the American draft of a peace treaty with Japan possess even greater significance. It suffices to say that the American draft not only does not contain a guarantee against the restoration of Japanese militarism but in general does not set forth any

limitations with relation to the size of the armed forces in Japan.

It is known that in the peace treaty with Italy, which together with Japan was one of the primary aggressors in the Second World War, precise limitations on the proportions of the Italian army, the number of naval fleet personnel and also the size of the air forces are contained. Meanwhile, no limitations on the armed forces of Japan are contained in the American draft. Thus, Japan is placed in a privileged position in comparison with Italy, although there is no basis for this. From this it is seen that Japan itself will decide the matter of the size of its armed forces for so-called 'self-defense.' The Soviet Government considers that this is tantamount to allowing Japan to restore militarism. It is quite clear that such a position can in no way be reconciled with certain agreements of the powers concerning demilitarization of Japan.

Likewise the fact cannot be passed over that the American draft does not establish any period for the withdrawal of occupation troops from Japan and is directly designed to leave American occupation troops and military bases in Japan even after the conclusion of a peace treaty. Consequently, even after that 'peaceful settlement' which the United States is preparing for Japan, the military occupation of Japan will not be discontinued and the United States of America will remain the real master in Japan.

As is known, in the peace treaty with Italy the withdrawal of occupation troops from Italy within a 3-months period after the conclusion of peace was provided for. Thus, Japan falls into a worse position in comparison with Italy, and the U.S.A. receives unlimited right to continue the occupa-

tion of Japan after the signing of peace with Japan for an unlimited period. It is quite clear that all this can in no way be reconciled with the Potsdam Declaration of 1945.

It is necessary to add to this that already at the present time the Government of the U.S.A. is utilizing the occupation of Japan by American troops for other purposes than were agreed among the states signing the Japanese surrender document. American occupation troops located on Japanese territory are utilizing the territory of Japan, its material and human resources for armed intervention in Korea, which is incompatible with international agreements according American troops the right of occupation in Japan only for the purposes of carrying out measures for the demilitarization and democratization of Japan.

Finally, the American draft ignores the necessity of removing limitations with respect to the free development of the peaceful economy of Japan. It is quite clear that without the development of the peaceful economy of the country and without the existence of normal trade with other countries it is not possible to create a reliable basis for the economic upsurge of Japan and growth in the welfare of the Japanese people.

The Soviet Government also has other remarks on the draft of the treaty which it intends to set forth at a meeting of the interested powers.

3. The Soviet Government, constantly insisting on a speedy conclusion of a peace treaty with Japan, considers that a peace treaty should be drawn up on the basis of international agreements which were concluded between the powers during the period of the Second World War, and the preparation of a draft treaty should be carried on jointly by representatives of the U.S.A., the Chinese People's Republic, U.S.S.R. and Great Britain with all the member states of the Far Eastern Commission being drawn into the matter.

In conformity with this, the Soviet Government proposes:

First.—To call in June or July of 1951 a session of the Council of Ministers of Foreign Affairs composed of representatives of U.S.A., China, Great Britain and U.S.S.R. in order to embark upon the preparation of a peace treaty with Japan having in view bringing into the preparatory work for drawing up a peace treaty with Japan representatives of all states participating with their armed forces in the war with Japan, in order that a draft of a peace treaty may be submitted for the consideration of a peace conference.

Second.—To conduct the drafting of a peace treaty with Japan on the basis of the Cairo Declaration, the Potsdam Declaration, and the Yalta Agreement, governed by the following basic aims:

- A.—Japan should become a peace-loving, democratic, independent state.
- B.—Democratic rights should be guaranteed to the population of Japan and the existence of such organizations be they political, military, or of

military character whose purpose is to deprive the people of their democratic rights, as was provided in the peace treaty with Italy, should not be allowed.

- C.—As a guarantee against the revival of Japanese militarism limitations should be established in the treaty on the size of Japanese armed forces in order that they may not exceed the requirements of self-defense, as was established in the peace treaty with Italy.
- D.—No limitations be put upon Japan in the matter of the development of her peaceful economy.
- E.—All limitations with respect to the trade of Japan with other states be removed.

Third.—To provide in the treaty that Japan will not enter any coalition directed against any of the states participating with their armed forces in the war against militaristic Japan.

Fourth.—To specify precisely in the treaty that after the conclusion of a peace treaty with Japan all occupation troops will be withdrawn from Japanese territory in the course of not more than 1 year and no foreign state will have troops or military bases in Japan.

Fifth.—To agree that the states signing the peace treaty with Japan will support the entry of Japan into the United Nations Organization.

moscow, May 7, 1951.

(b) The United States reply, 19 May 19511

The Government of the United States has carefully considered the remarks of the Government of the Soviet Union of May 7, 1951, relative to the draft of a Japanese peace treaty which the Government of the United States submitted on March 29, 1951. These remarks show the persistence of a major difference of opinion as regards procedure. However, as regards substance, the Government of Soviet Union raises objection only to the proposed treatment of (a) Formosa and the Pescadores; (b) the Ryukyu and Bonin Islands; (c) Japan's future security; and even here the differences are only partial, not total. The Soviet Government's analysis would seem to constitute a genuine, if unintended, tribute to the regard for balanced justice with which the draft treaty was prepared.

Ι

The paragraphs of the Soviet Government's remarks numbered I, deal with procedure.

The Soviet Government asserts that under the Potsdam Agreement of August 2, 1945, 'the drawing up of a peace treaty with Japan has been

¹ Department of State Bulletin, 28 May 1951, pp. 852-6.

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laid upon the United States, the Soviet Union, China and Great Britain,' constituting for this purpose the Council of Foreign Ministers.

This view of the Soviet Government has been put forward on several occasions and has as often been rejected by the Government of the United States.

The Potsdam Agreement of August 2, 1945, contemplates that the Council of Foreign Ministers thereby established would, 'as its immediate important task,' draw up 'treaties of peace with Italy, Rumania, Bulgaria, Hungary and Finland' and propose 'settlements of territorial questions outstanding on the termination of the war in Europe'. It is then provided that the Council 'shall be utilized for the preparation of a peace settlement for Germany.' It is finally provided that 'Other matters may from time to time be referred to the Council by agreement between the Member Governments.'

Thus, the Potsdam Agreement between the Government of the Soviet Union, the United Kingdom and the United States did not mention the Japanese Peace Treaty. This was natural, for the war with Japan was then in full vigor and the Soviet Union was then neutral in that war.

The Council of Foreign Ministers can, of course, deal with 'other matters' than the European matters specified, but only 'by agreement between the Member Governments.'

The United States has not agreed and does not agree to the reference to the Council of Foreign Ministers of the matter of making a Japanese peace treaty. The reason, among others, is that the systematic misuse in the Council of veto power militates against the speedy achievement, through the Council, of an early peace treaty. Furthermore, the procedures of the Council would give a secondary role to Allied Powers which bore a greater burden of the Pacific war than did the Soviet Union.

The Government of the Soviet Union urges that the peace-making procedure should fully take account of the interests of China in a Japanese peace treaty. The procedure being presently followed does that. It is true that the United States does not seek guidance from a convicted aggressor, but the real interests of China are fully reflected in the present draft treaty. For example, by Article 11, 'Japan renounces all special rights and interests in China' and Article 19 makes this renunciation automatically effective. It is noteworthy that the Soviet Government, which in Parts II and III of its remarks, deals fully with substantive issues, suggests no modification or addition in favor of China except in relation to Formosa and the Pescadores, as to which it is suggested that Japan should do more than liquidate its own title. This large measure of acceptance by the Government of the Soviet Union of the substantive provisions dealing with China testifies to the scrupulous regard for China's interests with which the draft treaty was prepared.

II

The paragraphs of the Soviet Government's remarks numbered II deal with the substance of the draft treaty.

(a) As to territorial matters, the Government of the Soviet Union suggests that the draft treaty does not faithfully reflect the Surrender Terms because it does not provide that 'the Island of Taiwan and the Pescadores Islands should be returned to China.'

The territorial clause of the Surrender Terms stipulated 'The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikiku and such minor islands as we determine.' The draft treaty would, in fact, limit Japanese sovereignty accordingly.

The Cairo Declaration provided that 'Manchuria, Formosa, and the

Pescadores, shall be restored to the Republic of China'.

The Government of the United States notes that the remarks of the Soviet Government fail to quote accurately the Cairo Declaration. The word 'Manchuria' is deleted and 'China' is substituted for 'the Republic of China.'

In view of the known acquisition by the U.S.S.R. or zones of interest in Manchuria, the United States Government is prompted to inquire as to the significance of the present avoidance by the Soviet Government of reference to the restoration of Manchuria.

Furthermore, in view of the fact that the Government of the Soviet Union has itself pointed out on numerous occasions that the 'Republic of China' is not identical with what the Soviet Government now refers to as the 'Chinese People's Republic,' the Government of the United States inquires of the Government of the Soviet Union whether it in fact now desires that Manchuria, Formosa and the Pescadores should be restored to 'the Republic of China.'

The draft treaty proceeds on the assumption that Japanese sovereignty 'shall be limited' to exclude sovereignty over Formosa and the Pescadores, according to the Surrender Terms and that if this is done by Japan, Japan will have done all that can be required of her and the Japanese people ought not to be denied a state of peace because of a difference of opinion among the Allied Powers as to the subsequent disposition of Formosa and the Pescadores.

The Government of the Soviet Union criticizes the provision that the Ryukyu, Bonin, and certain other islands may be placed under United Nations trusteeship with the United States as administering authority.

It is true that the Surrender Terms, neither by themselves, nor by the incorporated reference to the Cairo Declaration, mention by name South Sakhalin or the Kurile Islands, now occupied by the Soviet Union, or the

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Ryukyu, Bonin Islands or other islands mentioned in the remarks of the Soviet Government. Since, however, the Surrender Terms provided, as indicated, that Japanese sovereignty should be limited to the four main islands and such minor islands as may be determined, it is consonant with the Surrender Terms for the Allied Powers by treaty of peace with Japan to deal with Japanese islands other than the four main islands mentioned.

(b) As to demilitarization, the Soviet Government complains that the present draft does not guarantee against the restoration of Japanese militarism and does not limit the size of armed forces in Japan. It is said that this cannot be reconciled with 'known agreements of the powers concerning demilitarization of Japan.'

The Soviet Government does not attempt to identify the so-called 'known agreements'. In fact there are none, outside of understandings

dealing with the occupation period.

Of the agreements mentioned by the Soviet Government's remarks, neither Cairo nor Yalta touch on the subject. The Potsdam Surrender Terms provide that 'until there is convincing proof that Japan's warmaking power is destroyed, points in Japanese territory to be designated by the Allies shall be occupied,' and that 'the Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives.'

The United States Government is satisfied that 'Japan's war-making power is destroyed.' Apparently the Soviet Government shares that conviction, since it says that the occupation of Japan has 'impermissibly dragged on'. Furthermore, the United States, so far as it is concerned, has in fact completely disarmed the Japanese military forces under its control and has assured that they now lead peaceful and productive lives. Of the belligerents, only the Soviet Government has failed to comply with this provision and, in violation of the Surrender Terms, withholds from return to their homes and peaceful lives approximately 200 thousand Japanese soldiers. The people of Japan eagerly await the return to peaceful pursuits of these thousands of Japanese soldiers, as promised by the Surrender Terms.

With respect to the avoidance of any future offensive military threat from Japan, this is a matter of profound concern to the United States, which bore the burden of Japan's war of aggression for nearly 4 years, as against 6 days of Soviet Union belligerency. It is the belief of the United States Government that the most effective means to the desired end is to make the future security of the Japanese area a matter of collective international concern, which would as a practical matter assure that the measures which the Japanese might take for their own security, would develop as a cooperative rather than as a purely national project.

The President of the United States indicated in this statement of April

18, 1951, that the United States Government is prepared now to take what the President referred to as 'natural initial steps in the consolidation of peace' in the Pacific Ocean area and, as one of such steps, to enter into a post-treaty security arrangement with Japan. The United States Government contemplates that this arrangement would accept the principle that Japan should not possess military forces which could become an offensive threat.

The United States Government is not disposed to rely upon the dependability of treaty limitations on armament such as were imposed upon Rumania, Bulgaria, and Hungary by the Treaties of Peace, and which

limitations already are being grossly exceeded.

(c) As to ending the Occupation, the Soviet Government alleges that the present draft does not establish any period for the withdrawal of occupation troops from Japan. On the contrary, under the draft treaty, the occupation would cease upon the coming into force of the treaty. If, after the treaty comes into force, any allied troops are in Japan they will not be there as occupation troops but pursuant to such collective security arrangements as Japan may make voluntarily. Such arrangements would carry no offensive threat.

The Government of the Soviet Union refers to the fact that the territory of Japan and its natural and human resources are even now being utilized in connection with what is referred to as 'armed intervention in Korea', by which is presumably meant the efforts of the United Nations to repel

armed aggression in Korea.

The assistance which the Japanese in fact are rendering to the United Nations action in Korea is within the demilitarization limits established by Far Eastern Commission decisions, is nonbelligerent in character, and is in accord with the Charter and recommendation of the United Nations.

According to Article 2, Paragraphs 5 and 6, of the Charter even 'states which are not members of the United Nations' are required to 'give the United Nations every assistance' so far as may be necessary for the maintenance of international peace and security, and General Assembly Resolution No. A/1771 adopted February 1, 1951,² calls upon 'all states and authorities to continue to lend every assistance to United Nations action in Korea.'

(d) As to Japan's peacetime economy, the Soviet Government alleges that the draft treaty 'ignores the necessity of removing limitations with respect to the free development of the peaceful economy of Japan.' In reality, the draft treaty, by restoring to Japan complete sovereignty without any limitation upon the development of its peaceful economy and without imposing burdensome current reparation liabilities, would accom-

¹ Department of State Bulletin, 5 March 1951, p. 369.

² See above, p. 547.

plish completely the result which the Government of the Soviet Union professes to desire.

III

The Paragraphs of the Soviet Government's remarks numbered III contain certain proposals designed, in the words of the Soviet Government, to bring about the 'speedy conclusion of a peace treaty with Japan.'

- (1) The Government of the Soviet Union suggests, as to procedure, the calling of a session of the Council of Foreign Ministers in June or July of 1951 to be composed of representatives of the United States, China, Great Britain and the Soviet Union to embark upon the preparation of a peace treaty with Japan. For the reasons earlier stated, and because all experience shows that this procedure would not in fact achieve a 'speedy conclusion of a peace treaty with Japan,' the United States Government cannot agree to this procedural proposal.
- (2) The Soviet Government proposes that in drawing up a Japanese peace treaty the powers concerned should be governed by certain basic aims. With one qualification, these basic aims are, in fact, reflected in the present draft treaty, namely:
- a. Japan should become a peace-loving, democratic, independent state. Japan already is a peace-loving and democratic state and the Treaty would give it independence.
- b. Democratic rights should be guaranteed and organizations to deprive people of their democratic rights . . . should not be allowed.

These matters are taken care of by the Japanese Constitution and by the Declaration, contemplated by the present draft treaty, that Japan will strive to realize the objectives of the United Nations Universal Declaration of Human Rights and to create internally conditions of stability and well-being as envisioned by Articles 55 and 56 of the Charter of the United Nations and already initiated by postwar Japanese legislation.

c. As guarantee against a revival of Japanese militarism, limitation should be established in the treaty on the size of Japanese armed forces in order that they may not exceed the requirement of self-defense.

The proposal of the Soviet Government seems to assume that Japan will have to depend, for defense, solely on its own armed forces; and that its requirement, in this respect, can now be measured definitely, for all time. But the Charter of the United Nations recognizes the inherent right of collective, as well as individual, self-defense. Generalissimo Stalin, in his memorable address of March 10, 1939, pointed out that 'adequate defense against aggression requires collective security, the policy of collective resistance to the aggressors' and, he says, the policy of 'let each country defend itself from aggressors' means 'conniving at aggression.'

The present suggestions of the Soviet Government that Japan shall have

armed forces as required for its self-defense, coupled with the further Soviet proposal (4) that there can be no other troops in Japan, seems a reversion to the principle of 'let Japan defend itself' and consequently, as Generalissimo Stalin said, a 'conniving at aggression.'

Furthermore, to define 'the size of Japanese armed forces' needed for 'requirements of self-defense' as the Government of the Soviet Union now proposes, would not only be difficult, but might be dangerous. Japanese land, sea, and air forces adequate for self-defense under present troubled circumstances might also, under other circumstances, be adequate for offense.

It is the hope and expectation of the United States Government that application of the policy of collective security envisaged by Article 7 of the draft treaty will provide Japan with effective security with much less Japanese armament than would be required if the Treaty reflected the policy of 'let each country defend itself.'

d. No limitation in the matter of development of a peaceful economy should be laid on Japan.

The present draft contains no such limitation.

e. All limitations with respect to trade of Japan with other states be removed.

The present draft imposes no limitations on the right of Japan to trade with others.

(3) The Government of the Soviet Union suggests providing in the treaty that 'Japan will not enter any coalition directed against any of the states taking part with its armed forces in war against militaristic Japan.'

It is the view of the Government of the United States that Japan should not enter into any coalition directed against any state, whether or not it was a belligerent in the war against Japan. This is provided for by Article 6 of the draft Treaty whereby Japan would agree, in accordance with Article 2 of the Charter of the United Nations, to refrain from the threat or use of force against the territorial integrity or political independence of any state.

(4) The Government of the Soviet Union suggests that the peace treaty should provide that 'all occupation forces will be withdrawn from Japanese territory in the course of not more than I year and no foreign state will have troops or military bases in Japan.'

It is contemplated by the draft treaty that the occupation will end immediately upon the coming into force of the treaty of peace. It will not be prolonged even for 1 year thereafter.

With respect to the presence in Japan of the troops of any other state the United States Government would not be willing to deny to Japan what the Charter of the United Nations refers to as the 'inherent right of ... collective self-defense.' (5) The Government of the Soviet Union suggests that 'the states signing the Peace Treaty with Japan will support the entry of Japan into the United Nations.'

The present draft contemplates that Japan will promptly apply for admission to the United Nations and the Government of the United States welcomes the recognition by the Government of the Soviet Union that Japan is qualified for membership.

IV

The Government of the United States earnestly urges that the Government of the Soviet Union should continue to cooperate in the Japanese peace-making already in process and now far advanced. The United States Government does not seek, as is alleged, to make a 'separate' peace treaty with Japan. On the contrary, it seeks the participation of all concerned.

The Soviet Government complains because the United States Government has taken the lead in the initial stages of formulating peace treaty terms. That complaint seems not well taken by a state which, in the hour of victory, joined in recognizing the unique position of the United States in relation to Japan and in placing upon the United States the sole responsibility for naming and issuing directives to the Supreme Commander for the Allied Powers in an occupation which was designed to prepare Japan for a 'new order of peace, security and justice.' The United States Government accepted that responsibility and has invested in the occupation not only large resources and much effort, but hopes and aspirations for a Japan which would henceforth live with others as a good neighbor. The United States Government would fail utterly in the discharge of the occupation responsibility which the Government of the Soviet Union, among others, placed upon it if it did not take a timely initiative in transforming that occupation into a peace which will be just and durable.

Already the views of the governments principally concerned have been thoroughly canvassed through discussions initiated last September and continuously pursued ever since. The draft submitted on March 29th to the Government of the Soviet Union, as pointed out in the covering memorandum, to a considerable extent reflects views which the Government of the United States had obtained as a result of cooperation manifested by other governments. Among the views taken into account were the views of the Soviet Government.

The Soviet Government now states that it 'is not true' that there have been 'an exchange of opinions between representatives of the Government of the United States of America and representatives of the Government of the Soviet Union.'

The undeniable facts are that on October 6, 1950, November 20, 1950,

and on January 13, 1951, there were personal discussions of the proposed Japanese peace treaty between the Soviet Deputy Minister of Foreign Affairs, J. Malik, and John Foster Dulles. Furthermore, on November 20, 1950, Malik submitted to Dulles on behalf of the Soviet Government an aide mémoire dealing with the principles underlying the proposed treaty and on November 26, 1950, Dulles transmitted to Malik a reply memorandum.¹

The Government of the United States is thus at a loss to understand what the Soviet Government now means when it says that it is 'untrue' that there has been 'an exchange of opinions' between representatives of the Governments of the United States and of the Soviet Union.

The present remarks on behalf of the Government of the Soviet Union in response to the United States Government's memorandum of March 29, 1951, and in further development of its views heretofore submitted, orally and in writing, shows that the differences which stand between the Government of the Soviet Union and the peace terms embodied in the March draft are not enough to prevent an agreed peace, assuming that there is genuine desire on the part of the Soviet Union promptly to give peace to Japan. Therefore, the Government of the United States trusts that the Government of the Soviet Union will continue to pursue to a favorable conclusion the procedures now under way, rather than to seek now to shift to procedures which, in all candor, it must recognize would not in fact be productive of the 'speedy conclusion' which the Soviet Government states that it seeks.

The United States stands ready to resume prompt and intensive diplomatic discussions with the Government of the Soviet Union under circumstances that will be calculated to advance a just treaty to a speedy conclusion.

(c) Further Russian note, 10 June 19512

The Government of the U.S.S.R. received from the Government of the United States of America on May 19, 1951, a memorandum representing an answer to the 'remarks of the Government of the U.S.S.R. on the United States of America draft peace treaty with Japan' of May 7, 1951.

The Soviet Government takes notice of the statement of the Government of the United States that it, having examined the remarks of the Government of the Soviet Union on the memorandum of the Government of the United States of America of March 29, 1951, considers that the divergencies which exist between the views of the Government of the U.S.S.R. and the peace terms set forth in the American March draft are not so great as to prevent achievement of agreement on a peace treaty.

¹ Documents (R.I.I.A.) for 1949-50, pp. 615-18.

² Department of State Bulletin, 23 July 1951, pp. 138-43.

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Inasmuch, however, as along with the statement mentioned, considerations respecting the 'remarks of the Government of the U.S.S.R. on the United States of America draft peace treaty with Japan' of May as set forth in the American memorandum of May 19 which give an interpretation that is incorrect and that in several instances distorts the meaning of these remarks, the Soviet Government for the purpose of introducing full clarity considers it necessary to state the following:

- 1. Concerning basic positions in American draft peace treaty with Japan.
- (a) For the Soviet Union as well as for other countries interested in a guarantee of lasting peace in the Far East question that Japan not become an aggressive state again and that revival of Japanese militarism be prevented possesses most important significance.

As is known, little more than 10 years ago a militaristic Japan attacked the Soviet Union in the region of Vladivostok. In the course of 15 years Japanese imperialism, invading China, harassed the Chinese people causing them great hardships. Japanese imperialists did not stop at attacking the United States and later a whole series of states in Asia including India, which unleashed war in the entire Far East.

Is there in the American draft peace treaty with Japan a guarantee against the rebirth of Japan as an aggressive state? Acquaintance with this draft shows that it does not possess any guarantee in this respect.

In connection with this it was stated in the 'remarks of the Soviet Government on the U.S.A. draft peace treaty with Japan' that the 'American draft not only does not contain guarantees against the restoration of Japanese militarism, but in general does not set forth any limitations with respect to the size of the armed forces of Japan,' as was done, for example, in the peace treaty with Italy, although there is no basis for such a privileged position for Japan in comparison with Italy.

Having no possibility of refuting this assertion of the Soviet Government, the Government of the United States of America in its statements on this question in its memorandum of May 19 falls into patent contradiction. On the one hand, in this memorandum it states that allegedly no agreements 'exist in reality' between the powers on the question of demilitarization of Japan 'except decisions concerning the period of occupation.' However, on the other hand, the Government of the United States of America refers here to the Potsdam declaration of the Four Powers concerning the situation of Japan, whereas the basic purpose of the occupation of Japan is set forth there as the task of obtaining 'convincing proof that the capacity of Japan to wage war has been destroyed,' which refers, as is obvious, not only to the period of occupation but also to the subsequent period.

Furthermore, there exist directives of the Far Eastern Commission, which as early as June 19, 1947, took an important decision, contained in

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its document Basic Policy with Respect to Japan After its Capitulation.¹ In this basic document of the Far Eastern Commission adopted with the participation of representatives of Australia, Canada, China, France, India, Holland, New Zealand, the Philippines, U.S.S.R., England, and the United States of America the task was placed in the forefront:

Of accomplishing the physical and spiritual demilitarization of Japan by means of the execution of a series of measures requiring the establishment of a period of strict control, including complete disarmament, the carrying out of economic reform the purpose of which would be to deprive Japan of the possibility of waging war, the eradication of militaristic influences and carrying out of strict justice with respect to war criminals.

Naturally, this decision also concerns not only the period of occupation. After the facts cited, it becomes clear how far from reality is the assertion of the Government of the United States of America that allegedly no agreement 'exists in reality' between the powers with respect to the demilitarization of Japan 'except decisions concerning the period of occupation.'

After the facts cited, it cannot be denied that, inasmuch as no limitations on the armed forces of Japan are contained in the American draft, there are no guarantees there against the restoration of Japanese militarism and the possibility of repetition of Japanese aggression. It is clear that no state that experienced the aggressive attack of Japan and is interested in the guarantee of lasting peace in the Far East can agree with such a position.

Together with this, the Government of the United States of America, with the help of its occupation authorities, is in reality already carrying out a policy of restoring Japanese militarism. This is evident from the fact that the American occupation authorities are not only not taking measures for the liquidation of military bases in Japan but, on the contrary, are trying to expand them considerably, modernize, and utilize them for aggressive purposes. In Japan they have already begun the recreation of a land army and of naval and air fleets; are restoring and expanding the work of former Japanese military arsenals and military enterprises; are freeing Japanese war criminals; are restoring military organizations, and more and more promoting propaganda of war; and are elevating the role and influence of the supporters of the rebirth of militarism in the governmental apparatus. Moreover, the United States, as the Government of the United States of America basically admits itself in its memorandum of May 19, has already begun the utilization of the industrial and human resources of Japan for its military intervention in Korea which is being carried out illegally under the flag of the United Nations organization.

The draft peace treaty of the United States of America, as well as the policy carried out by the American occupation authorities in Japan,

¹ Documents (R.I.I.A.) for 1947-8, pp. 706-15.

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testify to the fact that the Government of the United States of America is not observing obligations it took upon itself in international agreements not to allow the rebirth of Japanese militarism. In essence, the American draft peace treaty with Japan, and likewise the memorandum of the United States of America of May 19 pursue not the peaceful purposes of prevention of a repetition of Japanese aggression but the aggressive purposes of reestablishment of Japanese militarism.

No guarantees are contained in the American draft peace treaty with Japan for assuring the future security of countries which suffered from the aggression of militaristic Japan, although it is clear to anyone that this should be one of the main tasks of the peace treaty. Instead of this it is especially stipulated in the draft that Japan should be accorded the opportunity to make 'a contribution toward assurance of its own security,' which allegedly corresponds to the 'right to individual and collective self defense' provided for member countries of the United Nations in the United Nations Charter.

This question is even more frankly discussed in the memorandum of the United States of America of May 19. In this memorandum it is stated that the Government of the United States of America intends 'to enter into an agreement concerning security with Japan for the period after the conclusion of the treaty,' i.e. the conclusion of a military agreement between the United States of America and Japan is envisaged.

From this it follows that the task of not permitting the rebirth of Japanese militarism and guaranteeing in the future the security of countries that suffered from Japanese aggression is being replaced by the Government of the United States of America by the conclusion of a military agreement with Japan which would push Japan ever more toward the restoration of militarism. Inasmuch as it is perfectly obvious that such countries as the Chinese People's Republic and the Soviet Union are excluded from participation in this military agreement of the United States of America with Japan, there can be no doubt that this military agreement of the United States of America with Japan is directed primarily against these very states and possesses an obvious aggressive character.

After this it becomes clear that all references to the Charter of the United Nations, to the 'right to individual and collective self-defense' in this case obviously have no substance and are false throughout.

It is likewise not necessary to prove that the reference of the American memorandum also to the statement of J. V. Stalin, made on March 10, 1939, on the matter of struggle with aggression and the collective security of peaceloving countries are not only completely inappropriate here but are also hypocritical.

Thus, the memorandum of the United States of America of May 19 shows that the American draft peace treaty with Japan not only did not

provide guarantees against the rebirth of Japanese militarism which has caused such hardships for peaceloving peoples but, on the contrary, pushes Japan on the path of aggression that has already led the Japanese Government to the verge of ruin, and consequently fundamentally runs counter to the interests of guaranteeing lasting peace in the Far East, as well as to the national interests of Japan itself.

(b) Concerning Termination of the Occupation of Japan and Withdrawal of Foreign Troops from Japanese Territory.

In its comments of May 7, the Soviet Government proposed that precise mention be made in the treaty that 'after conclusion of the peace treaty with Japan all occupation troops should be withdrawn from Japanese territory within not more than one year and that no foreign states should

have troops or military bases in Japan.'

As is known, in the peace treaty with Italy, as well as with other peace treaties with European countries, it is specifically mentioned that the occupation should be terminated in the shortest possible time and in any event not more than 90 days from the date of the entry of the peace treaty into force. However, in the American draft peace treaty with Japan no time limit is mentioned for the withdrawal of occupation forces from Japan. The vague statement contained in the memorandum of the United States of America of May 19 that the 'occupation will cease with the entry of the treaty into force' without mention of any time limit for withdrawal of the occupation troops can only lead to confusion; all the more since it is evident from this memorandum that the United States of America in reality does not intend to withdraw its troops even after the conclusion of the peace treaty but intends to leave its armed forces in Japan, allegedly 'not as occupation troops.'

In refusing to set a time limit for the withdrawal of the occupation troops from Japanese territory, the Government of the United States of America breaks one of its important obligations under international agreements. Leaving foreign troops in Japan after conclusion of a peace treaty, under whatever pretext it is done, contradicts the Potsdam declaration of July 26, 1945, which provides for the withdrawal of foreign troops from Japan, and signifies camouflaged prolongation of the occupation of Japan for an

indefinite protracted period.

In intending to prolong the occupation even after the conclusion of the peace treaty, the Government of the United States of America is thus aspiring to remain the real master in Japan for a long time. In such a situation, the Government of the United States of America can count on the preservation of those privileges which it has guaranteed for itself during the years of occupation, it can count on prolongation of the political and economic dependence of Japan on the United States of America and can

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count not only on the retention but even on the further expansion of its military bases in Japan. It is clear that all this can only harm the course of peaceful settlement with Japan and the strengthening of peace in the Far East.

Therefore it is necessary that in the peace treaty with Japan the time limit for withdrawal of occupation troops from Japanese territory be precisely fixed and that in this treaty it should be established that no foreign state should have troops or military bases in Japan.

(c) Concerning the Inadmissibility of Participation by Japan in a Coalition Against States Having an Interest in Signing a Peace Treaty with Her.

In connection with what has been set forth, it becomes clear why the Government of the United States of America does not agree in its memorandum with the proposal of the Soviet Union to oblige Japan not to enter into a coalition directed against any state having an interest in signing a peace treaty with Japan. The reference of the Government of the United States of America to the fact that Japan should, in conformity with article 2 of the United Nations Charter, refrain from aggression or from application of force against the territorial integrity of political independence of any state is obviously without substance. Experience has shown that the Government of the United States utilizes the political and economic dependence of other United Nations member states (first of allparticipants in the North Atlantic Union and the Latin American Republics) in order to transform the United Nations into a weapon for unleashing aggressive war in the Far East. The reference to article 2 of the United Nations Charter in the memorandum of the Government of the United States of America, and also in article 6 in the American draft peace treaty was calculated on utilization of Japan as well for this purpose.

Besides, it is not difficult to understand that the proposal of the Soviet Government concerning the nonparticipation of Japan in a coalition acquires important and immediate significance on the strength of possible military agreement of the United States of America with Japan.

(d) Concerning the Removal of Limitations From the Peaceful Economy of Japan and From the Trade of Japan with Other Countries.

The memorandum of the United States of America of May 19 bypasses the question of the peacetime economy of Japan being placed in servile dependence on the United States of America as the result of all kinds of limitations with respect to the Japanese peacetime economy and the establishment of privileges for American firms sponsored by American occupation authorities. Japan is deprived of the opportunity of engaging in normal trade with neighboring states, which still further harms prospects for the upsurge of Japanese national economy.

The Soviet Government considers that without the effective removal of these restrictions imposed from outside, it would be impossible to create conditions for the upsurge of a peaceful economy and for improving the life of the Japanese people.

(e) Concerning the Guarantee of Democratic Rights to the Japanese People.

Judging from the memorandum of the United States of America of March 19 everything essential has already been achieved with respect to the democratization of Japan. But this is wholly untrue. In fact, in Japan, police suppression of organs of the democratic press, repressions against trade unions and other democratic organizations and persecutions for political convictions are being fully revived, with the cooperation of the occupation authorities, and a return to the pre-war fascist order in Japan when the shameful law on the struggle against 'dangerous thoughts' existed, is taking place.

All this confirms the necessity for adopting those proposals concerning the democratization of Japan which were put forward in the comments of the Soviet Government.

(f) Concerning Fulfilment of the Cairo Declaration, the Potsdam Declaration and the Yalta Agreement With Regard to the Territorial Questions.

As far as the territorial questions are concerned, the Soviet Government proposes only one thing—guarantee of the honorable fulfilment of the international agreements mentioned above, under which stands the signature of the United States of America itself.

As is known, it is stated in the Cairo declaration that the island of Taiwan and the Pescadores Islands should be returned to the Chinese Republic. Inasmuch as the Chinese Republic has been transformed into the Chinese People's Republic and only the Chinese People's Republic expresses the will of the Chinese people, it is clearly obvious that Taiwan and the Pescadores Islands should be transferred to the Chinese People's Republic. In the contrary event the Cairo Agreement will not be fulfilled and the entire responsibility for this would fall on the Government of the United States of America.

As far as the Ryukyu, Bonin, Rosario, Volcano, Pares Vela, and Marcus Islands are concerned, the memorandum of the United States of America of May 19 contains nothing which would require fresh confirmation on the part of the Soviet Government of what was set forth in the comments of the Soviet Government of May 7.

(g) Concerning Slanderous Attacks Against the U.S.S.R.

In the memorandum of the Government of the United States of America of May 19 it is stated: 'In view of the known fact of the acquisition by the

U.S.S.R. of zones of interest in Manchuria, the Government of the United States of America hastens to inquire the significance of the desire of the Soviet government to avoid references to the return of Manchuria.' The Soviet Government considers it necessary to state in this respect that the U.S.S.R. does not possess any zones of interest in Manchuria, and as is known to all considers Manchuria as an inseparable part of the Chinese People's Republic. In view of this the above-mentioned statement of the American memorandum must be held as deplorable fabrications of idle people and malicious slander of the U.S.S.R.

It cannot be unknown to the Government of the United States of America that the Soviet Union after defeating the Japanese Kwantung army liberated Manchuria and returned it to the lawful authority of the Chinese people. As far as the rights to the naval base of Port Arthur and to the Chinese-Changchun railway, which were granted to the Soviet Union according to the Yalta agreement and the Sino-Soviet agreement of August 14, 1945, are concerned, the Soviet Government voluntarily and without compensation renounced these rights in favor of the Chinese People's Republic. Appropriate agreements concluded in Moscow on February 14, 1950, were published at the time and of course are known to the Government of the United States of America.

According to this agreement the Soviet Union, as is known, is to liquidate not later than 1952 its naval base at Port Arthur and withdraw its troops thence.

According to the opinion of the Soviet Government it would be much better if the Government of the United States of America would refrain from slander of the U.S.S.R. on the subject of Manchuria and concern itself with the withdrawal of its armed forces from Taiwan and the Pescadores Islands and return these illegally seized territories to their lawful owner—the Chinese People's Republic.

In the memorandum of the Government of the United States of America of May 19 it was also stated that the Soviet Government allegedly 'in violation of the surrender terms is delaying the return of approximately 200,000 Japanese soldiers to their homes and peacetime life.'

There can be no doubt that the Government of the United States of America itself does not attach any credence to this statement. The Soviet Government considers it necessary to recall that as early as April 22, 1950, the official report of the termination of repatriation of Japanese war prisoners from the Soviet Union was published, which, as were subsequent communications on this matter, were brought to the notice of the powers. In the report mentioned above it was pointed out that only 1,487 Japanese war prisoners, convicted and undergoing investigation for military crimes committed by them, 9 Japanese war prisoners subject to repatriation after

¹ Documents (R.I.I.A.) for 1949-50, pp. 611-12.

the completion of medical treatment, and 971 Japanese war prisoners who had committed serious crimes against the Chinese people and would be transferred to the jurisdiction of the Chinese People's Republic, remained unrepatriated.

Consequently, the assertion in the memorandum of the United States of America that the Soviet Government is delaying the return to their homeland of approximately 200,000 Japanese soldiers is a trifling slan-

derous attack and strikes only slanderers.

As far as the remarks in the memorandum of the United States of America that the Soviet Union participated only 6 days in the war with Japan and that the role of the military efforts of the Soviet Union in this war were allegedly insignificant are concerned, the Soviet Union considers it necessary to state the following: first, the Soviet Union entered the war with Japan exactly at the time fixed at the Yalta conference without any delay whatever. Secondly, the Soviet Army fought a bloody engagement with Japanese troops not for 6 days but in the course of a month, since the Kwantung army continued resistance for a long time in spite of the imperial declaration of capitulation. Thirdly, the Soviet Army smashed 22 Japanese divisions in Manchuria—the main forces of the Japanese Kwantung army, and took about 600,000 Japanese soldiers and officers prisoner. Fourthly, Japan came to capitulation only after the first decisive blow of Soviet troops at the Kwantung army. Fifthly, even before the entry of the U.S.S.R. into the war with Japan, during 1941-45, the U.S.S.R. kept up to 40 divisions on the frontiers with Manchuria and tied up the whole Kwantung army, thus facilitating the operations of China and the United States of America in the war against the Japanese militarists.

All these facts are, of course, known to the Government of the United States of America, and if, despite these facts, the Government of the United States of America permits itself to minimize the leading role of the Soviet Union in the matter of the defeat of Japanese militarism, this can only be explained by the fact that the Government of the United States of America does not have any convincing arguments, in view of which it is obliged in this case to resort to slanderous fabrications against the U.S.S.R.

2. Concerning Preparation of an Over-all Peace Treaty with Japan instead of a Separate Treaty.

In addition to the comments on the draft treaty made above, the Soviet Government has in view the expressing of other remarks on the substance of this draft when the meeting of interested countries takes place.

(a) In its memorandum of May 19 the Government of the United States of America has refrained from answering the comments of the Soviet Government where the text of the Potsdam Agreement was cited, from which it is evident that the Council of Foreign Ministers is set up with a

composition of the Five Powers—United States of America, U.S.S.R., China, Great Britain, and France—first of all for 'preparatory work on a peace settlement' and that in the drafting of the corresponding peace treaties 'the Council will consist of members representing those states which have signed surrender terms dictated to that enemy state which the given task concerns.'

In the meantime, the references to the Potsdam Agreement cited furnish the basis for drawing the following indisputable conclusions:

First, in setting up the Council of Foreign Ministers composed of the Five Powers, 'preparatory work on a peace settlement' was directly mentioned as its main task, moreover the peace settlement was not limited to Europe;

Secondly, the Council of Foreign Ministers should engage on its preparatory work on a peace settlement with a composition of members 'representing those states which have signed capitulation terms,' from which it follows that the preparation of a peace treaty with Japan is placed upon four countries—the United States of America, U.S.S.R., Great Britain, and China, which signed the Japanese surrender document.

Consequently, fulfilment of the Potsdam Agreement with respect to preparation of a peace treaty with Japan requires the calling of the Council of Foreign Ministers composed of representatives of the United States of America, U.S.S.R., Great Britain, and China and objection to this on the part of the Government of the United States of America is without grounds.

The unfounded nature of the objections against calling a Council of Foreign Ministers for such reasons as that it could allegedly delay preparations of a peace treaty with Japan is likewise perfectly obvious. These objections have already been put forth for several years past and they have led only to dragging out the matter. Meanwhile preparation of the treaty could already have been finished during this time, and the treaty could have been signed, as took place duly with the peace treaties of five other states—Italy, Bulgaria, Rumania, Hungary, and Finland, which were prepared by the Council of Foreign Ministers.

The statement that the procedure of the Council would accord a 'secondary role' to some allied states is also without substance. It is sufficient to point out that under the procedure being imposed by the Government of the United States of America all allied states are in reality excluded from preparation of the treaty since the Government of the United States of America has gone along the path of seizing this matter exclusively into its own hands.

(b) In its remarks of May 7 the Soviet Government emphasized the inadmissibility of excluding China from the preparation of a peace treaty with Japan. These Chinese people were obliged to wage a long and heavy war with militaristic Japan, which had invaded its [sic] territory, and bore

uniquely great sacrifices in this struggle, and therefore the government of the Chinese People's Republic as the sole legal expression of will of the Chinese people cannot be excluded from preparation of a treaty which should serve to establish lasting peace in the Far East. The statement of the government of the Chinese People's Republic of May 22, 1951, confirms its legal right and unique interest in the preparation of the treaty which other states cannot ignore.

In the meantime the American draft treaty and the memorandum of the United States of America of May 19 testify to the fact that the Government of the United States of America is going on with direct violation of the national rights of China with respect to its territory in refusing to fulfil the Cairo agreement regarding the return of Taiwan island and the Pescadores Islands to China, as well as with exclusion of China from preparation of a peace treaty with Japan.

In rejecting the established procedure for preparation of peace treaties, the Government of the United States of America is endeavoring to exclude the Chinese People's Republic and the Soviet Union and also other interested countries from preparation of the treaty and, ignoring their legal rights and interests, intends to dictate terms of treaty to Japan in accordance with its own judgment, inasmuch as the Japanese Government, which is dependent upon American occupation authorities, is prepared to enter into such an arrangement with the United States of America.

All this speaks for the fact that the Government of the United States of America does not want Japan to have a peace treaty with all the states that were in a state of war with her. Instead of an over-all peace treaty the United States of America wants to impose upon Japan a separate peace treaty with the Government of the United States of America and its satellites.

It cannot be considered accidental that the Government of the United States of America does not want an over-all peace treaty with Japan, but aspires to a separate treaty. Only with conclusion of a separate treaty can the United States of America secure the dependence of Japan for several years hence, and inasmuch as the conclusion of a military agreement between the United States of America and Japan is also envisaged by the draft treaty it becomes clear that the goal of the separate treaty is the transformation of Japan into a shameful weapon for carrying out the aggressive plans of the United States of America in the Far East.

If the Government of the United States of America does not desist from its intention to exclude the Soviet Union and Chinese People's Republic from the preparation of a peace treaty with Japan and imposes a separate peace treaty on Japan, this will signify, first, that the United States has taken the path of gross violations of its international obligations, including the United Nations Declaration of January 1, 1942, which imposes the

obligation not to conclude a separate peace, and, secondly, that the present policy of the United States of America will lead not to restoration and strengthening of peace in the Far East but to the creation of a new aggressive grouping in the Pacific Ocean.

Responsibility for the consequences of such a policy will lie entirely on

the Government of the United States of America.

- (c) As far as the repeated statement of the Government of the United States of America that negotiations concerning the draft peace treaty with Japan took place between representatives of the U.S.S.R. and United States of America is concerned, the Soviet Government is obliged again to emphasize that there have not been and could not be any negotiations concerning the working out of a draft peace treaty, since the Government of the U.S.S.R. has stood and does stand against any form of separate negotiations on this question. Of course, personal meetings have taken place between Jacob A. Malik and Dulles at the personal request of Dulles, as have also the transmittal by Dulles of his ideas concerning a peace treaty with Japan and the posing of questions by Malik for clarification of Dulles' views. However, it would be absolutely incorrect to consider such personal meetings as negotiations between the U.S.S.R. and the United States of America concerning the working out of a peace treaty with Japan.
- 3. Fully confirming its proposals of May 7, the Soviet Government insists on the following basic principles with respect to a peace treaty with Japan.

First. The peace treaty with Japan should be over-all and not separate, for which purpose no country participating in the war with Japan should be excluded from the preparation and signing of the treaty.

Second. The peace treaty with Japan should be worked out on the basis of the Cairo declaration, the Potsdam declaration and the Yalta Agreement.

Third. A peace conference of representatives of all states which participated with their armed forces in the war with Japan should be called in July or August, 1951, for consideration of the available drafts for a peace treaty with Japan.

(d) United States reply, 9 July 19511

The Department of State, having transmitted to the Embassy of the Union of Soviet Socialist Republics in Washington a revised (July 3, 1951) draft of a prospective Treaty of Peace with Japan, takes this occasion to allude to the memorandum of the Government of the Soviet Union of June 10, 1951, dealing with the earlier draft of March 29, 1951.

Section I of that memorandum dealt with the substantive terms of that draft. It failed to cite any language of the draft as objectionable. In essence, the Soviet memorandum objected not to anything contained in

¹ Department of State Bulletin, 23 July 1951, pp. 143-4.

the draft treaty but because the treaty would not restrict Japan with respect to the right of individual or collective self-defense, a right recognized by the United Nations Charter as 'inherent'. The Government of the Soviet Union would have the peace treaty deny to Japan the right hereafter to enter into collective security arrangements with other countries of its choosing. This is a viewpoint which the Government of the United States cannot accept.

Section 2 of the Soviet memorandum dealt with procedure. It again 'insists on observance of the Potsdam Agreement' which, according to the Government of the Soviet Union, means that 'preparation of a peace treaty with Japan is placed upon four countries—the United States of America, U.S.S.R., Great Britain, and China' constituting the Council of

Foreign Ministers.

This would commit the preparation of the treaty to the veto-bound processes of that Council and would exclude from the preparatory work France and many Pacific and Asiatic countries which bore a far heavier

burden in the Japanese war than did the Soviet Union.

The Soviet Government's memorandum does not attempt any reasoned reply to the analysis of the Potsdam Agreement contained in Section 1 of the United States aide-mémoire of May 19, which proves irrefutably that the Potsdam Agreement between the United Kingdom, the Soviet Union and the United States neither mentions nor relates in any way to the Japanese peace, probably because the Potsdam Agreement was made on August 1, 1945, before Japan's surrender and when the Soviet Union was still a neutral in the Pacific war.

In the concluding Section 3 of its memorandum of June 10, 1951, the Soviet Government says that the 'peace treaty with Japan should be multi-

lateral and not separate' both as to preparation and as to signing.

The July 3, 1951, draft reflects the operation of those very principles. Many interested nations have participated in its preparation. The fact that they have done so through diplomatic channels makes their participation no less real than if they had participated in some other manner. The terms of the treaty would recognize and protect equally the legitimate interests of each and every state which took part in the Japanese war. At the same time the terms embody not merely the formality of peace, but the spirit of peace. The Government of the Soviet Union will further observe that, as it desires, the text is prepared as a multilateral instrument.

The Soviet Memorandum, after having first demanded that the preparation of a draft treaty should now be started over again by the Council of Foreign Ministers, suggests, in its final paragraph, that when there are available drafts, there should be a conference of all active belligerents in the

Japanese war, for consideration of these drafts.

The Government of the United States anticipates that there will be a

general conference early in September to conclude a peace on the basis of the draft of July 3, 1951. It will welcome participation in that conference, and adherence to the resultant Treaty, by the Government of the Soviet Union.

(ii) Exchange of notes between the Governments of the U.S.S.R. and the U.S.A. regarding attendance by the U.S.S.R. at the Japanese Peace Conference¹

(a) Russian note, 12 August 1951

The Minister for Foreign Affairs of the U.S.S.R., in connection with the note of the Governments of the United States of America and Great Britain of 20 July 1951,² in which is contained the invitation to the Soviet Government to the conference on the conclusion and the signing of the peace treaty, which has been called by the Government of the United States of America on 4 September 1951 in San Francisco, upon the instructions of the Soviet Government, has the honor to communicate the following:

The Soviet Government will send its delegation to the conference in San Francisco, to take place 4 September 1951, and will present the proposals of the Soviet Government on the question of the peace treaty

with Japan.

The composition of the delegation of the Soviet Union is as follows:

A. A. Gromyko, Deputy Minister for Foreign Affairs of the U.S.S.R.; A. S. Panyushkin, Ambassador of the U.S.S.R. in the United States of America; G. N. Zarubin, Ambassador of the U.S.S.R. in Great Britain; S. A. Golunsky, member of the collegium of the Foreign Office of the U.S.S.R.

(b) United States reply, 16 August 1951

The Government of the United States acknowledges the note of the Soviet Union in response to the United States invitation of July 20, 1951, whereby the Government of the Soviet Union advises that it will send a delegation to the San Francisco conference to be convened on September 4, 1951, and will present proposals on the question of the peace treaty with Japan.

The Government of the United States welcomes acceptance of its invitation by the Government of the Soviet Union. In order, however, that there should be no possibility of subsequent misunderstanding, the United States recalls that the invitation set out that the Governments of the United States and the United Kingdom would 'circulate a final text

Department of State Bulletin, 27 August 1951, p. 348.
 Ibid. 30 July 1951, p. 186.

of the peace treaty,' which has been done, and the invitation was 'to a conference for conclusion and signature of a treaty of peace with Japan on the terms of that text.'

The San Francisco conference is not a conference to reopen negotiations on the terms of peace. The terms of the prospective treaty have been arrived at by intensive multipartite negotiations which, in effect, have constituted an 11-month peace conference which began in mid-September 1950 and the final conclusions of which are embodied in the August 13,

1951, text.

The Soviet Union has participated in this process both through oral exchanges of views and through the exchange between our Governments of not less than 10 drafts or memoranda relating to the terms of the Japanese peace treaty. Thus the Soviet Union has had an equal opportunity with the other allies to shape the various revisions which have now resulted in the final August 13, 1951, text.

The August 13 text is part of a unique cooperative effort. The treaty, both through procedure and through substance, represents the best tradition of those who believe in processes of sovereign equality and the rule of

justice.

The United States will welcome the opportunity to explain fully at San Francisco the nature of the treaty, and every nation represented will have opportunity for exposition and statement. In that conference we welcome the participation of the Soviet Union.

- (iii) Exchange of notes between the U.S.A. and India regarding the DRAFT JAPANESE PEACE TREATY
- (a) Note from the Indian Government to the United States Government explaining India's dissatisfaction with the draft Japanese Peace Treaty and declining to send representatives to the Peace Conference, 23 August 19511
- 1. The Government of India have the honour to acknowledge with thanks the receipt of the reply of the Government of the United States of America to the representations which they had made on the Japanese Peace Treaty in their communication dated July 30, 1951.2 They fully appreciate the consideration given to their views by the United States Government and wish to assure them that the present reply is conceived in a spirit of frankness and sincere friendship for the Government and people of the United States of America.
- 2. Throughout the negotiations that have taken place between the two Governments on the subject of the treaty the Government of India have laid emphasis upon two fundamental objectives:

² Not published.

¹ Department of State Bulletin, 3 September 1951, p. 386.

(I) The terms of the Treaty should concede to Japan a position of honour, equality, and contentment among the community of free nations;

(II) They should be so framed as to enable all countries, countries specially interested in the maintenance of a stable peace in the Far East, to subscribe to the Treaty sooner or later.

The Government of India have after most careful thought come to the conclusion that the Treaty does not in material respects satisfy either of these two criteria.

3. Condition (I)

- (a) It is only natural to expect that Japan should desire the restoration in full of her sovereignty over territory of which the inhabitants have a historical affinity with her own people and which she has not acquired by aggression from any other country. The Ryukyu and the Bonin Islands fully satisfy this description. Nevertheless the Treaty proposes that until United States Government seek and obtain trusteeship over these Islands they should continue to be subject to the legislative and administrative control of the United States. It is apparent to the Government of India that such an arrangement cannot but be a source of dissatisfaction to large sections of the Japanese people and must carry the seed of future dispute and possible conflict in the Far East.
- (b) The Government of India recognize that as a sovereign nation Japan should have the right to make arrangements for her defence as provided in Article 5 of the Treaty. If in exercise of this right Japan should decide to enter into defensive agreements with a friendly power no one could reasonably object to this. But the right should be exercised by the Government of Japan when Japan has become truly sovereign. A provision in the Treaty which suggests that the present occupation force may stay on in Japan as part of such a defensive agreement is bound to give rise to the impression that the agreement does not represent a decision taken by Japan in the full enjoyment of her freedom as a sovereign nation. The effect of this not only on the people of Japan but upon large sections of people in Asia is bound to be most unfortunate.

4. Condition (II)

As already stated the Government of India attach the greatest importance to the Treaty providing that the Island of Formosa should be returned to China. The time and manner of such return might be the subject of separate negotiations but to leave the future of the Island undetermined, in spite of past international agreements, in a document which attempts to regulate the relations of Japan with all Governments that were engaged in the last war against her does not appear to the Government of India to be either just or expedient. *Mutatis mutandis* the same argument applies to the Kurile Islands and to South Sakhalin.

5. For foregoing reasons, the Government of India have decided, with

regret, that they cannot be parties to the Treaty. It is their sincere hope that lasting peace will prevail in the Far East and, to that end, they will continue to co-operate with the United States Government and other Governments in such manner as may be open to them, consistently with the principles on which their foreign policy is based. As a first step, it is their intention, as soon as this may be practicable, to put an end to the state of war between them and Japan, and to establish full diplomatic

relations with that country.

6. It has already been announced that the Conference convened at San Francisco to consider the draft Peace Treaty with Japan will not be open to negotiations, though attending Governments will be free to state their views on the Treaty. The Government of India feel that the statement of their views on the Treaty contained in this reply should be adequate to clarify their own position on the Conference. It is their intention, if the United States Government have no objection, to communicate this reply to their own Parliament which is now in session on August 27. Once the document has been published, it will be available for the information of the Conference, and the Government of India will be glad if the Government of the United States, which will act as host to the Conference, will have this reply circulated to its members. As, for reasons already stated, the Government of India will be unable to sign the Treaty, they think that it is not necessary for them to send representatives to it.

The Government of India would be glad to know if the United States Government have any objection to their informing our Parliament of this

reply on Monday, August 27, 1951.

(b) The United States reply, 25 August 19511

- 1. The Government of the United States welcomes the expressed intention of the Government of India to put an end to the state of war between it and Japan and to establish diplomatic relations with that country. The overriding desire of the Government of the United States is peace in Asia. The Government of the United States believes that the peace will be more stable if it is founded on united action. However, the people of the United States will not feel that their efforts and sacrifices for victory in the Pacific have been in vain if they have made it possible for the Government of India to make peace with a Japan which is no longer a militaristic and aggressive threat.
- 2. The Government of the United States regrets that the Government of India feels that the pending treaty of peace has imperfections such that the Government of India prefers to make a separate peace. There can never be united action for peace unless the nations are willing to accept what, to each, may seem imperfections.

Department of State Bulletin, 3 September 1951, pp. 387-8.

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3. In its specification of imperfections the Government of India suggests that the treaty of peace will not provide Japan with a 'position of honor, equality, and contentment among the community of free nations.' This suggestion greatly surprises the Government of the United States. From the beginning the announced goal of the United States has been to restore Japan to just such a position. It is the belief of the Government of the United States, shared by the Government and people of Japan and of many other states, that the pending treaty to an unprecedented degree achieves that goal.

For example, the Prime Minister of Japan in a letter of July 13, 1951, to John Foster Dulles written on the occasion of calling the San Francisco Conference said:

I am grateful that we have been consulted and given a full opportunity to submit our views and desires, and moreover that these have been in a large measure incorporated in the draft treaty.

The treaty, as it stands, reflects abundantly American fairness, magnanimity and idealism.

The Government of the United States doubts that the Government of India has fully understood and taken into account the views of the Government and people of Japan.

4. The Government of India further suggests that the treaty is not so framed as to enable all countries especially interested in the maintenance of stable peace in the Far East, to subscribe to the treaty sooner or later.

The treaty makes provision for multilateral signature now and obligates Japan to conclude similar treaties with all countries not now signatory who are parties to the U.N. Declaration of January 1, 1942. The Governments of the United Kingdom and of the United States, sponsors of the present text, and the many other Allied Powers which have cooperated to produce that text, have gone to great pains to assure that the treaty will be such as to enable all of the Allies to subscribe to it.

5. The Government of India suggests that the treaty should restore in full Japan's sovereignty 'over territory of which the inhabitants have an historical affinity with her (Japan's) own people' and which she has not acquired by aggression from any other country.

This principle would involve a major departure from the Potsdam surrender terms, which specified categorically that Japanese sovereignty should be limited to the four home islands and to such minor islands as the parties to the surrender proclamation might determine. The Government of India has never questioned these terms during the $5\frac{1}{2}$ years during which India has served as a member of the Far Eastern Commission, which was established to insure the fulfilment of those terms. The principle now put forward by the Government of India would require the retention by Japan of full sovereignty over the Kurile Islands, and over the Ryukyu Islands.

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Yet, the Government of India criticizes the treaty provisions with reference to the Kurile Islands because it does not explicitly transfer full sovereignty to the Soviet Union and criticizes the provision with reference to the Ryukyus because, although it leaves sovereignty in Japan, it permits U.N. trusteeship with the United States as administering authority.

The Government of the United States finds it difficult to understand how the Government of India can be confident that future arrangements regarding the Ryukyu and Bonin Islands, the terms of which are not yet formulated, will hereafter 'be a source of dissatisfaction to large sections of the Japanese people.' Nor does the Government of the United States understand why the Government of India applies such different tests as between the Kuriles and the Ryukyus.

6. The Government of India objects because the treaty gives Japan the right to prevent its becoming an indefensible nation between the date of the coming into force of the treaty of peace and the coming into force of some voluntary collective security arrangement. The Government of India suggests that the only way to prove that such a security arrangement is in fact voluntary is to subject Japan to the grave risk incident to a period of total defenselessness in close proximity to proved aggressors. There is no reason to believe that this is desired by the people of Japan or that it would promote the welfare of Japan for the treaty of peace to impose that grave hazard upon Japan.

The Government of the United States has gone to great lengths to ascertain that any security agreement which Japan seeks shall, in fact, be responsive to the will of the Japanese people. It would be quite impracticable and totally unwelcome for the United States to help to defend Japan if that were not wanted by the Japanese people. The statements of the Japanese Government and of the political leader of the Diet, and manifold expressions of public opinion, all demonstrate that the Japanese do not want Japan to become a defenseless nation upon the coming into force of the treaty of peace. No less than 32 of the Allied Powers, all members of the United Nations, have freely made or are making collective security arrangements to which the United States is a party. It would, indeed, be surprising if the sentiment which has animated so many free peoples did not manifest itself also in Japan.

7. The Government of India states that the future of Formosa should not be left 'undetermined.' It suggests that the treaty should provide for the return of Formosa to China but that 'the time and manner of such return might be the subject of separate negotiations.' It would seem to the United States that a future disposition is 'undetermined' if it depends upon further negotiations as to time and manner.

The Government of India must be fully aware that there cannot at the present time be any final agreement among the Allied Powers with respect

to the future of Formosa. To insist that a Japanese peace treaty be deferred until there is such agreement is, in fact, to postpone indefinitely the restoration of Japan to 'honor, equality and contentment among the community of free nations,' which the Government of India agrees is an urgent requirement. Furthermore, the Government of the United States observes that the Government of India apparently does not intend itself to defer ending its state of war with Japan until the future of Formosa has been definitely dealt with.

8. The Government of the United States does not claim that the prospective treaty of peace is in every respect perfect. It involves adjustments such as are the inevitable accompaniment of any concerted human effort. The essential thing is that the treaty is a peace treaty and is drawn in terms which do not contain within themselves the seeds of another war. Delay would cost a price which makes petty all the sacrifices incident to present action. It would perpetuate the surrender terms which subject the Japanese Government to the military rule of Allied Powers. If that subjection is continued after the occupation has served its legitimate and valid purposes the result is indistinguishable from colonialism or imperialism. That is why it strives so earnestly to achieve the best possible peace as promptly as possible. That is why it contributes so liberally to the rehabilitation of our former enemies as well as of our friends.

The Government of the United States regrets that the Government of India is not disposed to join this united effort for peace. However, the Government of the United States welcomes the assurances of the Government of India that, insofar as consistent with the principles on which its foreign policies are based, it will continue to cooperate with the U.S. Government and other governments to the end that lasting peace will prevail in the Far East. The Government of the United States hopes that these principles to which the Government of India alludes will permit of cooperation which is practical and fruitful for peace.

(iv) Treaty of Peace with Japan, San Francisco, 8 September 19511

Whereas the Allied Powers and Japan are resolved that henceforth their relations shall be those of nations which, as sovereign equals, co-operate in friendly association to promote their common welfare and to maintain international peace and security, and are therefore desirous of concluding

¹ Great Britain: Foreign Office: Treaty of Peace with Japan, San Francisco, 8th September, 1951 (With Declarations and Protocol) (Cmd. 8392) (London, H.M.S.O., 1951), pp. 2-12. The Treaty was signed by Argentina, Australia, Belgium, Bolivia, Brazil, Cambodia, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Indonesia, Iraq, Laos, Lebanon, Liberia, Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Persia, Peru, the Philippines, Saudi Arabia, Syria, South Africa, the United Kingdom, the U.S.A., Uruguay, Venezuela, Viet Nam.

a Treaty of Peace which will settle questions still outstanding as a result of the existence of a state of war between them;

Whereas Japan for its part declares its intention to apply for membership in the United Nations and in all circumstances to conform to the principles of the Charter of the United Nations; to strive to realize the objectives of the Universal Declaration of Human Rights; to seek to create within Japan conditions of stability and well-being as defined in Articles 55 and 56 of the Charter of the United Nations and already initiated by post-surrender Japanese legislation; and in public and private trade and commerce to conform to internationally accepted fair practices;

Whereas the Allied Powers welcome the intentions of Japan set out in

the foregoing paragraph;

The Allied Powers and Japan have therefore determined to conclude the present Treaty of Peace, and have accordingly appointed the undersigned Plenipotentiaries, who, after presentation of their full powers, found in good and due form, have agreed on the following provisions:

CHAPTER I.—PEACE

ARTICLE I

- (a) The state of war between Japan and each of the Allied Powers is terminated as from the date on which the present Treaty comes into force between Japan and the Allied Power concerned, as provided for in Article 23.
- (b) The Allied Powers recognize the full sovereignty of the Japanese people over Japan and its territorial waters.

CHAPTER II.—TERRITORY

ARTICLE 2

- (a) Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.
- (b) Japan renounces all right, title and claim to Formosa and the Pescadores.
- (c) Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of September 5, 1905.
- (d) Japan renounces all right, title and claim in connection with the League of Nations Mandate System, and accepts the action of the United Nations Security Council of April 2, 1947, extending the trusteeship system to the Pacific Islands formerly under mandate to Japan.
 - (e) Japan renounces all claim to any right or title to or interest in con-

nection with any part of the Antarctic area, whether deriving from the activities of Japanese nationals or otherwise.

(f) Japan renounces all right, title and claim to the Spratly Islands and to the Paracel Islands.

ARTICLE 3

Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shoto south of 29° north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

ARTICLE 4

- (a) Subject to the provisions of paragraph (b) of this Article, the disposition of property of Japan and of its nationals in the areas referred to in Article 2, and their claims, including debts, against the authorities presently administering such areas and the residents (including juridical persons) thereof, and the disposition in Japan of property of such authorities and residents, and of claims, including debts, of such authorities and residents against Japan and its nationals, shall be the subject of special arrangements between Japan and such authorities. The property of any of the Allied Powers or its nationals in the areas referred to in Article 2 shall, insofar as this has not already been done, be returned by the administering authority in the condition in which it now exists. (The term nationals whenever used in the present Treaty includes juridical persons.)
- (b) Japan recognizes the validity of dispositions of property of Japan and Japanese nationals made by or pursuant to directives of the United States Military Government in any of the areas referred to in Articles 2 and 3.
- (c) Japanese owned submarine cables connecting Japan with territory removed from Japanese control pursuant to the present Treaty shall be equally divided, Japan retaining the Japanese terminal and adjoining half of the cable, and the detached territory the remainder of the cable and connecting terminal facilities.

CHAPTER III.—SECURITY

ARTICLE 5

(a) Japan accepts the obligations set forth in Article 2 of the Charter of the United Nations, and in particular the obligations—

- (i) to settle its international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;
- (ii) to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the Purposes of the United Nations;
- (iii) to give the United Nations every assistance in any action it takes in accordance with the Charter and to refrain from giving assistance to any State against which the United Nations may take preventive or enforcement action.
- (b) The Allied Powers confirm that they will be guided by the principles of Article 2 of the Charter of the United Nations in their relations with Japan.
- (c) The Allied Powers for their part recognize that Japan as a sovereign nation possesses the inherent right of individual or collective self-defense referred to in Article 51 of the Charter of the United Nations and that Japan may voluntarily enter into collective security arrangements.

ARTICLE 6

- (a) All occupation forces of the Allied Powers shall be withdrawn from Japan as soon as possible after the coming into force of the present Treaty, and in any case not later than 90 days thereafter. Nothing in this provision shall, however, prevent the stationing or retention of foreign armed forces in Japanese territory under or in consequence of any bilateral or multilateral agreements which have been or may be made between one or more of the Allied Powers, on the one hand, and Japan on the other.
- (b) The provisions of Article 9 of the Potsdam Proclamation of July 26, 1945, dealing with the return of Japanese military forces to their homes, to the extent not already completed, will be carried out.
- (c) All Japanese property for which compensation has not already been paid, which was supplied for the use of the occupation forces and which remains in the possession of those forces at the time of the coming into force of the present Treaty, shall be returned to the Japanese Government within the same 90 days unless other arrangements are made by mutual agreement.

CHAPTER IV.—POLITICAL AND ECONOMIC CLAUSES

ARTICLE 7

(a) Each of the Allied Powers, within one year after the present Treaty has come into force between it and Japan, will notify Japan which of its

prewar bilateral treaties or conventions with Japan it wishes to continue in force or revive, and any treaties or conventions so notified shall continue in force or be revived subject only to such amendments as may be necessary to ensure conformity with the present Treaty. The treaties and conventions so notified shall be considered as having been continued in force or revived three months after the date of notification and shall be registered with the Secretariat of the United Nations. All such treaties and conventions as to which Japan is not so notified shall be regarded as abrogated.

(b) Any notification made under paragraph (a) of this Article may except from the operation or revival of a treaty or convention any territory for the international relations of which the notifying Power is responsible, until three months after the date on which notice is given to Japan that

such exception shall cease to apply.

ARTICLE 8

(a) Japan will recognize the full force of all treaties now or hereafter concluded by the Allied Powers for terminating the state of war initiated on September 1, 1939, as well as any other arrangements by the Allied Powers for or in connection with the restoration of peace. Japan also accepts the arrangements made for terminating the former League of Nations and Permanent Court of International Justice.

(b) Japan renounces all such rights and interests as it may derive from being a signatory Power of the Conventions of St. Germain-en-Laye of September 10, 1919, and the Straits Agreement of Montreux of July 20, 1936, and from Article 16 of the Treaty of Peace with Turkey signed at

Lausanne on July 24, 1923.

(c) Japan renounces all rights, title and interests acquired under, and is discharged from all obligations resulting from, the Agreement between Germany and the Creditor Powers of January 20, 1930, and its Annexes, including the Trust Agreement, dated May 17, 1930, the Convention of January 20, 1930, respecting the Bank for International Settlements, and the Statutes of the Bank for International Settlements. Japan will notify to the Ministry of Foreign Affairs in Paris within six months of the first coming into force of the present Treaty its renunciation of the rights, title and interests referred to in this paragraph.

ARTICLE 9

Japan will enter promptly into negotiations with the Allied Powers so desiring for the conclusion of bilateral and multilateral agreements providing for the regulation or limitation of fishing and the conservation and development of fisheries on the high seas.

ARTICLE 10

Japan renounces all special rights and interests in China, including all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and all annexes, notes and documents supplementary thereto, and agrees to the abrogation in respect to Japan of the said protocol, annexes, notes and documents.

ARTICLE II

Japan accepts the judgments of the International Military Tribunal for the Far East and of other Allied War Crimes Courts both within and outside Japan, and will carry out the sentences imposed thereby upon Japanese nationals imprisoned in Japan. The power to grant clemency, to reduce sentences and to parole with respect to such prisoners may not be exercised except on the decision of the Government or Governments which imposed the sentence in each instance, and on the recommendation of Japan. In the case of persons sentenced by the International Military Tribunal for the Far East, such power may not be exercised except on the decision of a majority of the Governments represented on the Tribunal, and on the recommendation of Japan.

ARTICLE 12

- (a) Japan declares its readiness promptly to enter into negotiations for the conclusion with each of the Allied Powers of treaties or agreements to place their trading, maritime and other commercial relations on a stable and friendly basis.
- (b) Pending the conclusion of the relevant treaty or agreement, Japan will, during a period of four years from the first coming into force of the present Treaty
 - (1) accord to each of the Allied Powers, its nationals, products and vessels
 - (i) most-favored-nation treatment with respect to customs duties, charges, restrictions and other regulations on or in connection with the importation and exportation of goods;
 - (ii) national treatment with respect to shipping, navigation and imported goods, and with respect to natural and juridical persons and their interests—such treatment to include all matters pertaining to the levying and collection of taxes, access to the courts, the making and performance of contracts, rights to property (tangible and intangible), participation in juridical entities constituted under Japanese law, and generally the conduct of all kinds of business and professional activities;
 - (2) ensure that external purchases and sales of Japanese state trading enterprises shall be based solely on commercial considerations.
 - (c) In respect to any matter, however, Japan shall be obliged to accord

to an Allied Power national treatment, or most-favored-nation treatment, only to the extent that the Allied Power concerned accords Japan national treatment or most-favored-nation treatment, as the case may be, in respect of the same matter. The reciprocity envisaged in the foregoing sentence shall be determined, in the case of products, vessels and juridical entities of, and persons domiciled in, any non-metropolitan territory of an Allied Power, and in the case of juridical entities of, and persons domiciled in, any state or province of an Allied Power having a federal government, by reference to the treatment accorded to Japan in such territory, state or province.

(d) In the application of this Article, a discriminatory measure shall not be considered to derogate from the grant of national or most-favored-nation treatment, as the case may be, if such measure is based on an exception customarily provided for in the commercial treaties of the party applying it, or on the need to safeguard that party's external financial position or balance of payments (except in respect to shipping and navigation), or on the need to maintain its essential security interests, and provided such measure is proportionate to the circumstances and not applied

in an arbitrary or unreasonable manner.

(e) Japan's obligations under this Article shall not be affected by the exercise of any Allied rights under Article 14 of the present Treaty; nor shall the provisions of this Article be understood as limiting the undertakings assumed by Japan by virtue of Article 15 of the Treaty.

ARTICLE 13

(a) Japan will enter into negotiations with any of the Allied Powers, promptly upon the request of such Power or Powers, for the conclusion of bilateral or multilateral agreements relating to international civil air

transport.

- (b) Pending the conclusion of such agreement or agreements, Japan will, during a period of four years from the first coming into force of the present Treaty, extend to such Power treatment not less favorable with respect to air-traffic rights and privileges than those exercised by any such Powers at the date of such coming into force, and will accord complete equality of opportunity in respect to the operation and development of air services.
- (c) Pending its becoming a party to the Convention on International Civil Aviation in accordance with Article 93 thereof, Japan will give effect to the provisions of that Convention applicable to the international navigation of aircraft, and will give effect to the standards, practices and procedures adopted as annexes to the Convention in accordance with the terms of the Convention.

CHAPTER V.—CLAIMS AND PROPERTY Article 14

(a) It is recognized that Japan should pay reparations to the Allied Powers for the damage and suffering caused by it during the war. Nevertheless it is also recognized that the resources of Japan are not presently sufficient, if it is to maintain a viable economy, to make complete reparation for all such damage and suffering and at the same time meet its other obligations.

Therefore,

- 1. Japan will promptly enter into negotiations with Allied Powers so desiring, whose present territories were occupied by Japanese forces and damaged by Japan, with a view to assisting to compensate those countries for the cost of repairing the damage done, by making available the services of the Japanese people in production, salvaging and other work for the Allied Powers in question. Such arrangements shall avoid the imposition of additional liabilities on other Allied Powers, and, where the manufacturing of raw materials is called for, they shall be supplied by the Allied Powers in question, so as not to throw any foreign exchange burden upon Japan.
- 2.—(I) Subject to the provisions of sub-paragraph (II) below, each of the Allied Powers shall have the right to seize, retain, liquidate or otherwise dispose of all property, rights and interests of—
 - (a) Japan and Japanese nationals,
 - (b) persons acting for or on behalf of Japan or Japanese nationals, and
 - (c) entities owned or controlled by Japan or Japanese nationals,

which on the first coming into force of the present Treaty were subject to its jurisdiction. The property, rights and interests specified in this subparagraph shall include those now blocked, vested or in the possession or under the control of enemy property authorities of Allied Powers, which belonged to, or were held or managed on behalf of, any of the persons or entities mentioned in (a), (b) or (c) above at the time such assets came under the controls of such authorities.

- (II) The following shall be excepted from the right specified in sub-paragraph (I) above:
 - (i) property of Japanese natural persons who during the war resided with the permission of the Government concerned in the territory of one of the Allied Powers, other than territory occupied by Japan, except property subjected to restrictions during the war and not released from such restrictions as of the date of the first coming into force of the present Treaty;
 - (ii) all real property, furniture and fixtures owned by the Govern-

ment of Japan and used for diplomatic or consular purposes, and all personal furniture and furnishings and other private property not of an investment nature which was normally necessary for the carrying out of diplomatic and consular functions, owned by Japanese diplomatic and consular personnel;

(iii) property belonging to religious bodies or private charitable institutions and used exclusively for religious or charitable

purposes;

(iv) property, rights and interests which have come within its jurisdiction in consequence of the resumption of trade and financial relations subsequent to September 2, 1945, between the country concerned and Japan, except such as have resulted from transactions contrary to the laws of the Allied Power concerned;

(v) obligations of Japan or Japanese nationals, any right, title or interest in tangible property located in Japan, interests in enterprises organized under the laws of Japan, or any paper evidence thereof; provided that this exception shall only apply to obligations of Japan and its nationals expressed in Japanese currency.

(III) Property referred to in exceptions (i) through (v) above shall be returned subject to reasonable expenses for its preservation and administration. If any such property has been liquidated the proceeds shall be returned instead.

(IV) The right to seize, retain, liquidate or otherwise dispose of property as provided in sub-paragraph (I) above shall be exercised in accordance with the laws of the Allied Power concerned, and the owner shall have only such rights as may be given him by those laws.

(V) The Allied Powers agree to deal with Japanese trademarks and literary and artistic property rights on a basis as favorable to Japan as

circumstances ruling in each country will permit.

(b) Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war, and claims of the Allied Powers for direct military costs of occupation.

ARTICLE 15

(a) Upon application made within nine months of the coming into force of the present Treaty between Japan and the Allied Power concerned, Japan will, within six months of the date of such application, return the property, tangible and intangible, and all rights or interests of any kind in

Japan of each Allied Power and its nationals which was within Japan at any time between December 7, 1941, and September 2, 1945, unless the owner has freely disposed thereof without duress or fraud. Such property shall be returned free of all encumbrances and charges to which it may have become subject because of the war, and without any charges for its return. Property whose return is not applied for by or on behalf of the owner or by his Government within the prescribed period may be disposed of by the Japanese Government as it may determine. In cases where such property was within Japan on December 7, 1941, and cannot be returned or has suffered injury or damage as a result of the war, compensation will be made on terms not less favorable than the terms provided in the draft Allied Powers Property Compensation Law approved by the Japanese Cabinet on July 13, 1951.

- (b) With respect to industrial property rights impaired during the war, Japan will continue to accord to the Allied Powers and their nationals benefits no less than those heretofore accorded by Cabinet Orders No. 309 effective September 1, 1949, No. 12 effective January 28, 1950, and No. 9 effective February 1, 1950, all as now amended, provided such nationals have applied for such benefits within the time limits prescribed therein.
- (c)—(i) Japan acknowledges that the literary and artistic property rights which existed in Japan on December 6, 1941, in respect to the published and unpublished works of the Allied Powers and their nationals have continued in force since that date, and recognizes those rights which have arisen, or but for the war would have arisen, in Japan since that date, by the operation of any conventions and agreements to which Japan was a party on that date, irrespective of whether or not such conventions or agreements were abrogated or suspended upon or since the outbreak of war by the domestic law of Japan or of the Allied Power concerned.
- (ii) Without the need for application by the proprietor of the right and without the payment of any fee or compliance with any other formality, the period from December 7, 1941, until the coming into force of the present Treaty between Japan and the Allied Power concerned shall be excluded from the running of the normal term of such rights; and such period, with an additional period of six months, shall be excluded from the time within which a literary work must be translated into Japanese in order to obtain translating rights in Japan.

ARTICLE 16

As an expression of its desire to indemnify those members of the armed forces of the Allied Powers who suffered undue hardships while prisoners of war of Japan, Japan will transfer its assets and those of its nationals in countries which were neutral during the war, or which were at war with any of the Allied Powers, or, at its option, the equivalent of such assets, to

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the International Committee of the Red Cross which shall liquidate such assets and distribute the resultant fund to appropriate national agencies, for the benefit of former prisoners of war and their families on such basis as it may determine to be equitable. The categories of assets described in Article 14 (a) 2 (II) (ii) through (v) of the present Treaty shall be excepted from transfer, as well as assets of Japanese natural persons not residents of Japan on the first coming into force of the Treaty. It is equally understood that the transfer provision of this Article has no application to the 19,770 shares in the Bank for International Settlements presently owned by Japanese financial institutions.

ARTICLE 17

(a) Upon the request of any of the Allied Powers, the Japanese Government shall review and revise in conformity with international law any decision or order of the Japanese Prize Courts in cases involving ownership rights of nationals of that Allied Power and shall supply copies of all documents comprising the records of these cases, including the decisions taken and orders issued. In any case in which such review or revision shows that restoration is due, the provisions of Article 15 shall apply to the

property concerned.

(b) The Japanese Government shall take the necessary measures to enable nationals of any of the Allied Powers at any time within one year from the coming into force of the present Treaty between Japan and the Allied Power concerned to submit to the appropriate Japanese authorities for review any judgment given by a Japanese court between December 7, 1941, and such coming into force, in any proceedings in which any such national was unable to make adequate presentation of his case either as plaintiff or defendant. The Japanese Government shall provide that, where the national has suffered injury by reason of any such judgment, he shall be restored in the position in which he was before the judgment was given or shall be afforded such relief as may be just and equitable in the circumstances.

ARTICLE 18

(a) It is recognized that the intervention of the state of war has not affected the obligation to pay pecuniary debts arising out of obligations and contracts (including those in respect of bonds) which existed and rights which were acquired before the existence of a state of war, and which are due by the Government or nationals of Japan to the Government or nationals of one of the Allied Powers, or are due by the Government or nationals of one of the Allied Powers to the Government or nationals of Japan. The intervention of a state of war shall equally not be regarded as affecting the obligation to consider on their merits claims for loss or damage

to property or for personal injury or death which arose before the existence of a state of war, and which may be presented or re-presented by the Government of one of the Allied Powers to the Government of Japan, or by the Government of Japan to any of the Governments of the Allied Powers. The provisions of this paragraph are without prejudice to the rights conferred by Article 14.

(b) Japan affirms its liability for the prewar external debt of the Japanese State and for debts of corporate bodies subsequently declared to be liabilities of the Japanese State, and expresses its intention to enter into negotiations at an early date with its creditors with respect to the resumption of payments on those debts; to encourage negotiations in respect of other prewar claims and obligations; and to facilitate the transfer of sums accordingly.

ARTICLE 19

- (a) Japan waives all claims of Japan and its nationals against the Allied Powers and their nationals arising out of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations or actions of forces or authorities of any of the Allied Powers in Japanese territory prior to the coming into force of the present Treaty.
- (b) The foregoing waiver includes any claims arising out of actions taken by any of the Allied Powers with respect to Japanese ships between September 1, 1939, and the coming into force of the present Treaty, as well as any claims and debts arising in respect to Japanese prisoners of war and civilian internees in the hands of the Allied Powers, but does not include Japanese claims specifically recognized in the laws of any Allied Power enacted since September 2, 1945.
- (c) Subject to reciprocal renunciation, the Japanese Government also renounces all claims (including debts) against Germany and German nationals on behalf of the Japanese Government and Japanese nationals, including intergovernmental claims and claims for loss or damage sustained during the war, but excepting (a) claims in respect of contracts entered into and rights acquired before September 1, 1939, and (b) claims arising out of trade and financial relations between Japan and Germany after September 2, 1945. Such renunciation shall not prejudice actions taken in accordance with Articles 16 and 20 of the present Treaty.
- (d) Japan recognizes the validity of all acts and omissions done during the period of occupation under or in consequence of directives of the occupation authorities or authorized by Japanese law at that time, and will take no action subjecting Allied nationals to civil or criminal liability arising out of such acts or omissions.

ARTICLE 20

Japan will take all necessary measures to ensure such disposition of German assets in Japan as has been or may be determined by those powers entitled under the Protocol of the proceedings of the Berlin Conference of 1945 to dispose of those assets, and pending the final disposition of such assets will be responsible for the conservation and administration thereof.

ARTICLE 21

Notwithstanding the provisions of Article 25 of the present Treaty, China shall be entitled to the benefits of Articles 10 and 14 (a) 2; and Korea to the benefits of Articles 2, 4, 9 and 12 of the present Treaty.

CHAPTER VI.—SETTLEMENT OF DISPUTES

ARTICLE 22

If in the opinion of any Party to the present Treaty there has arisen a dispute concerning the interpretation or execution of the Treaty, which is not settled by reference to a special claims tribunal or by other agreed means, the dispute shall, at the request of any party thereto, be referred for decision to the International Court of Justice. Japan and those Allied Powers which are not already parties to the Statute of the International Court of Justice will deposit with the Registrar of the Court, at the time of their respective ratifications of the present Treaty, and in conformity with the resolution of the United Nations Security Council, dated October 15, 1946, a general declaration accepting the jurisdiction, without special agreement, of the Court generally in respect to all disputes of the character referred to in this Article.

CHAPTER VII.—FINAL CLAUSES

ARTICLE 23

(a) The present Treaty shall be ratified by the States which sign it, including Japan, and will come into force for all the States which have then ratified it, when instruments of ratification have been deposited by Japan and by a majority, including the United States of America as the principal occupying Power, of the following States, namely Australia, Canada, Ceylon, France, Indonesia, the Kingdom of the Netherlands, New Zealand, Pakistan, the Republic of the Philippines, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The present Treaty shall come into force for each State which subsequently ratifies it, on the date of the deposit of its instrument of ratification.¹

¹ The Treaty came into force on 28 April 1952. By that date it had been ratified by Argentina, Australia, Canada, France, Japan, Mexico, New Zealand, Pakistan, the United Kingdom and the U.S.A.

(b) If the Treaty has not come into force within nine months after the date of the deposit of Japan's ratification, any State which has ratified it may bring the Treaty into force between itself and Japan by a notification to that effect given to the Governments of Japan and the United States of America not later than three years after the date of deposit of Japan's ratification.

ARTICLE 24

All instruments of ratification shall be deposited with the Government of the United States of America which will notify all the signatory States of each such deposit, of the date of the coming into force of the Treaty under paragraph (a) of Article 23, and of any notifications made under paragraph (b) of Article 23.

ARTICLE 25

For the purposes of the present Treaty the Allied Powers shall be the States at war with Japan, or any State which previously formed a part of the territory of a State named in Article 23, provided that in each case the State concerned has signed and ratified the Treaty. Subject to the provisions of Article 21, the present Treaty shall not confer any rights, titles or benefits on any State which is not an Allied Power as herein defined; nor shall any right, title or interest of Japan be deemed to be diminished or prejudiced by any provision of the Treaty in favor of a State which is not an Allied Power as so defined.

ARTICLE 26

Japan will be prepared to conclude with any State which signed or adhered to the United Nations Declaration of January 1, 1942, and which is at war with Japan, or with any State which previously formed a part of the territory of a State named in Article 23, which is not a signatory of the present Treaty, a bilateral Treaty of Peace on the same or substantially the same terms as are provided for in the present Treaty, but this obligation on the part of Japan will expire three years after the first coming into force of the present Treaty. Should Japan make a peace settlement or war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.

ARTICLE 27

The present Treaty shall be deposited in the archives of the Government of the United States of America, which shall furnish each signatory State with a certified copy thereof.

In faith whereof the undersigned Plenipotentiaries have signed the present Treaty.

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Done at the City of San Francisco this eighth day of September, 1951, in the English, French and Spanish languages, all being equally authentic, and in the Japanese language.

(v) SECURITY TREATY BETWEEN THE U.S.A. AND JAPAN, SAN FRANCISCO, 8 SEPTEMBER 1951

Japan has signed a Treaty of Peace with the Allied Powers. On the coming into force of that Treaty, Japan will not have the effective means to exercise its inherent right of self-defense because it has been disarmed.

There is danger to Japan in this situation because irresponsible militarism has not yet been driven from the world. Therefore, Japan desires a Security Treaty with the United States of America to come into force simultaneously with the Treaty of Peace between Japan and the United States of America.

The Treaty of Peace recognizes that Japan as a sovereign nation has the right to enter into collective security arrangements, and, further, the Charter of the United Nations recognizes that all nations possess an inherent right of individual and collective self-defense.

In exercise of these rights, Japan desires, as a provisional arrangement for its defense, that the United States of America should maintain armed forces of its own in and about Japan so as to deter armed attack upon Japan.

The United States of America, in the interest of peace and security, is presently willing to maintain certain of its armed forces in and about Japan, in the expectation, however, that Japan will itself increasingly assume responsibility for its own defense against direct and indirect aggression, always avoiding any armament which could be an offensive threat or serve other than to promote peace and security in accordance with the purposes and principles of the United Nations Charter.

Accordingly, the two countries have agreed as follows:

ARTICLE I

Japan grants, and the United States of America accepts the right, upon the coming into force of the Treaty of Peace and of this Treaty, to dispose United States land, air and sea forces in and about Japan. Such forces may be utilized to contribute to the maintenance of international peace and security in the Far East and to the security of Japan against armed attack from without, including assistance given at the express request of the Japanese Government to put down large-scale internal riots and disturbances in Japan, caused through instigation or intervention by an outside Power or Powers.

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¹ Department of State Bulletin, 17 September 1951, pp. 464-5.

ARTICLE II

During the exercise of the right referred to in Article 1, Japan will not grant, without the prior consent of the United States of America, any bases or any rights, powers or authority whatsoever, in or relating to bases or the right of garrison or of manœuver, or transit of ground, air or naval forces to any third power.

ARTICLE III

The conditions which shall govern the disposition of armed forces of the United States of America in and about Japan shall be determined by administrative agreements between the two Governments.

ARTICLE IV

This Treaty shall expire whenever in the opinion of the Governments of the United States of America and of Japan there shall have come into force such United Nations arrangements or such alternative individual or collective security dispositions as will satisfactorily provide for the maintenance by the United Nations or otherwise of international peace and security in the Japan area.

ARTICLE V

This Treaty shall be ratified by the United States of America and Japan and will come into force when instruments of ratification thereof have been exchanged by them at Washington.¹

In WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this

Treaty.

Done in duplicate at the City of San Francisco, in the English and Japanese languages, this eighth day of September, 1951.

(vi) Extract from a speech to the Japanese Diet by the Prime Minister, Mr. Shigeru Yoshida, presenting the Peace Treaty for ratification, 12 October 1951²

The fear expressed by some delegates of Japanese competition after the restoration of peace is something which surprised me and which I found difficult to understand. It is unthinkable, as I stated in my acceptance speech, that Japan defeated in war and handicapped on all hands owing to loss of territory, scarcity of resources, war devastations of land, loss of shipping, deterioration of industrial plants and equipment, and the reparations obligations she has undertaken, could ever be an economic menace to any country. As to our working conditions, we have enacted, as referred

The Treaty was ratified on 28 April 1952.

² Contemporary Japan (Tokyo, Foreign Affairs Association of Japan), vol. xx, nos. 7-9, July-September 1951, pp. 425-8.

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to by President Truman and Mr. Dulles, labor legislation of the highest order in the world, setting up unprecedented working conditions that would seem too idealistic for the country's actual state of affairs. Again, in the peace treaty Japan is pledged to observe all internationally accepted fair trade practices. Such being the case it is puzzling indeed why Japan's entry into world markets should occasion any apprehension or why any restrictions should be proposed on her economic activities in the international field.

It is no easy task for Japan after independence to maintain a self-supporting economy without making herself a burden on another country. Even victor nations are willingly submitting to austerity living for the sake of replenishing their national strength and rebuilding their economies. I hope our people will reappraise the country's needs and resolve afresh to dedicate themselves to the task of laying the foundation for the new Japan by dint of thrift and hard work. Fortunately, the world is showing a marked degree of understanding and sympathy toward Japan as a nation reborn. So long as we shall persist in our honest endeavour to share equitably in the fruits of peace and prosperity with all countries, our road ahead will be, I believe, clear and bright.

Mr. Gromyko, delegate of the Soviet Union, attacked the peace treaty on the score that whereas one of the principal tasks in connection with a peace settlement with Japan should be the prevention of a rebirth of Japanese militarism, the draft treaty contained no guarantee in that respect. He proposed amendments comprising 13 points.

On these Soviet proposals the American delegate, Mr. Dulles, commented to the following effect: One of the Soviet proposals says Japan shall be bound to put no obstacles in the development of democratic tendencies—that is to say the Communist Party. By prohibiting Japan from taking any measures against the destructive activities of the Communist Party within her borders, it is the aim of the Soviet Union to render Japan defenseless internally. Other proposals, while allowing Japan a token defense force, deny her any benefits of a collective security arrangement. Under still another proposal the four straits around Japan may be used only by the navy of such countries on the Japan Sea—that is to say, the navy of the Soviet Union. These proposals reveal a design to keep Japan defenseless internally and externally and make her an easy neighbor nation.

The treaty does not restrict Japan's sovereign rights. It does not bar the way for Japan to have its own armed forces. Because of this fact the Soviet delegate dwelt on the danger of a rebirth of militarism in Japan. But if possession of armaments were militaristic, all countries of the world would be militaristic. As a matter of fact, Japan of today lacks the necessary basic resources for the production of modern arms. And our nation

would not be able to stand the levying of additional taxes for rearmament. Moreover, Japan is yet to recover from the wounds of war. We have not relaxed our vigilance over the possible revival of militarism and ultranationalism. In face of all these facts, the talk of the Japanese militarism by the Soviet delegate cannot but be dismissed as a piece of absurd and

groundless propaganda.

The Japanese-American Security Pact was signed on the same day with the Peace Treaty. This will assure the security of our country for the immediate future following our recovery of independence. It is quite proper that an independent nation should ensure its internal security by itself. But a collective defense system is today a universally adopted means to combat aggression from outside. Irresponsible militarism is still rampant. Upon her recovery of independence an independent but unarmed Japan is obliged to seek protection in a collective defense arrangement with other free nations. And to put Japan beyond the reach of aggression is one postulate to the peace of the Far East and to the peace and prosperity of the entire world. Herein lies the reason for our conclusion of a security pact with the United States.

There are even today some Japanese who advocate neutrality as a means of defending our independence. The current international situation surrounding our country is such that the possibility is remote of an agreement among the nations concerned to guarantee our security. Even if such an international agreement were made pledging to respect Japanese neutrality, we should not forget the fact that there are governments whose

pledge cannot be trusted.

Again, there are others who would see our way out in a general security guarantee under the United Nations. The United Nations is the greatest and the highest organ in existence for world security. But the major Powers of Europe and America are at this very moment preoccupied with the task of perfecting their own security systems to supplement the guarantee furnished by the United Nations. I would say most definitely that I do not know of any other means for assuring our security after the peace other than by a collective guarantee with another peace-loving nation or nations—in the present case, the United States of America.

The details for the implementation of the Japanese-American Security Pact are to be agreed upon by negotiation between the two countries. That is to say, the substance of the agreement is yet to be determined. Full explanations will be given the Diet when the negotiations have been concluded, and the occasion arrives for submitting the necessary bills and appropriations.

In certain quarters dissatisfaction is being still expressed regarding the

disposition of the Nansei Archipelago.

We should recall that on August 14, 1945, Japan surrendered un-

conditionally, leaving the matter of territorial disposition to the Allies. Now the Allies have written down their decision in the peace treaty—a decision that was made after taking into consideration as far as possible the wishes of our nation. I regret to see some Japanese still go on repining, though I can understand how they feel. That is not the way to respond to American good-will and understanding. Nor is it becoming to Japanese pride and prestige. Moreover, there is danger in such behavior to play straight into the hands of the vicious schemers bent upon obstructing the establishment of friendly relations between Japan and America. Let me urge upon these people to keep cool, to trust the good intentions of the American government, and to wait for the conclusion of a mutually satisfactory arrangement between our two countries relating to the status of these islands.

From the Japanese standpoint the contents of the peace treaty may leave many things to be desired. But the fact remains that it is a fair and equitable peace treaty without a parallel in history, which reveals the trust and expectations of the Allied Powers in our nation who have courageously carried out the terms of surrender during the past six years. United in our efforts to execute completely the intentions and commitments of Japan as are set forth in the treaty, we should go on vigorously with the task of national reconstruction.

Mr. Dean Acheson, President of the Peace Conference, in his closing address said as a friend of the Japanese people: 'A great broad highway to a position of equality, of honor, of friendship in the world lies open to you. All the obstacles on that highway have been cleared so far as governments can clear them away. The obstacles that remain only you can remove. And you can remove those if you act with other peoples with understanding and with generosity and with kindness. All those qualities are inherent in the nature of your people.' Will Japan march the world highway of equality, honor and friendship? It will all depend on ourselves—our will and action.

I wish to request of the Diet speedy deliberation and approval of both the Peace Treaty and the Japanese-American Security Pact so as to hasten their ratification by the Powers concerned and the realization of Japan's complete independence.

PART VII

FAR EASTERN WARS AND SECURITY

1. War in Korea

- (i) Extracts from a broadcast talk by Mr. Lester Pearson, Canadian Secretary of State for External Affairs, 26 May 1951¹
- ... Essentially, the mission of the United Nations in Korea is to defeat aggression, so that the lesson of that defeat may help to prevent a third world war. If the aggression in Korea had been allowed to succeed without any attempt being made to resist it, other acts of aggression against small countries on the borders of the free world would certainly have followed. The strength of the free peoples would have been nibbled away piecemeal in accordance with the plans of the Politburo and the Cominform. Eventually, a stage would have been reached when the remaining countries which were still free and independent would have realized that they had either to wage war with fewer resources and with much slighter hope of success, or else be enslaved by communist imperialism. Because they would certainly have chosen to fight, rather than to submit, a third world war would in those circumstances have been inevitable.

To the infantryman slogging over the muddy paddy fields of Korea, it may seem odd to say that his mission is to prevent a third world war. He may well be forgiven for not seeing much difference between such a war and the bloody business in which he is engaged. That viewpoint must certainly command our sympathy. But we mustn't forget that a third world war would be very different from the campaign now being fought in Korea. It would be an atomic war which would result in the death of hundreds of thousands of people at one stroke and which would leave the earth pock-marked and infected with radioactivity for years to come. That is the nightmare which we are trying by every means in our power to avoid. When viewed in that light, I believe that the men of the United Nations in Korea will see that their task, disagreeable and dangerous as it is, is supremely worthwhile. Indeed it is indispensable if we are to be successful in avoiding a general conflict.

But the courage being displayed by the United Nations forces in Korea may be in vain if the conflict there is enlarged and extended and, especially, if we bring on the very cataclysm which the United Nations action in Korea can help to prevent. It may be that in spite of all our efforts the

¹ U.N. Department of Public Information: The Price of Peace, A Symposium (United Nations, 1951), pp. 32-34.

catastrophe of a third world war will overtake us. In that case, let the responsibility for the anguish, devastation and anarchy which it will cause rest on other hands than ours.

What, then, can we do? Is the United Nations action in Korea to trickle away into the sands of futility and stalemate? I do not think so. If United Nations forces can continue to throw back the aggressors with heavy losses, and at the same time to avoid any measures which are not absolutely necessary from a military point of view and which might lead to the conflict spreading, the Chinese Government in Peking may decide that it would be folly for them to persist in the destructive course they have begun. We must hope that the day will come when they will realize that it is not China, but Russia, which is being served by the aggression in Korea in which they have participated. Then, they may be ready to enter into discussions leading to a settlement of Korean and other Far Eastern issues, on terms that the United Nations can accept. Meanwhile, the fighting goes on. The courageous men of the United States of America and South Korea still are bearing the brunt of the battle, but they are assisted by contingents from sixteen United Nations countries. In that array, we in Canada are proud to include a brigade group of our finest men, all of whom have volunteered to serve the cause of the United Nations and of peace.

Already in its brief history the United Nations has had notable successes in settling international disputes by mediation and conciliation. The Indonesian and the Palestine disputes both held grave possibilities and might have lead to widespread conflict if the United Nations had not been patient and persistent in attempting to reach a peaceful settlement. The organization's conciliatory functions are as important as those in organizing collective action against aggression. They will ultimately be required, I believe, if we are to find an honorable and stable conclusion to the war in Korea.

In Korea at the present time the process of discussion as a means of settling international disputes has broken down. As a result of a naked act of aggression and of continued defiance by the aggressors, the effort to harmonize conflicting interests by international discussions is in abeyance. But more than the texture of discussion has been destroyed. The fabric of life in Korea has been destroyed. This is the worst result of war, even on a limited scale. And, once war has broken out, there is always a risk that the unravelling and disintegration it produces may spread.

We can prevent all this by banding together our strength to defeat aggression as we are now doing in Korea; by being ready to seize any opportunity for an honorable settlement by negotiation which may present itself, and by strengthening the social, economic, and moral fabric

of the free world. Such a policy calls for heavy sacrifices from the fighting men of the United Nations in Korea. They are already paying a high price for peace; and they naturally wish a clear-cut and victorious result. But victory in this type of limited United Nations war may not have to be the kind of complete capitulation of the enemy with which we have been made familiar. Victory is the achievement of our objectives, and those objectives remain the defeat of aggression against the Republic of Korea....

- (ii) Extract from a statement by the South Korean Government on its determination to achieve the unification of Korea, 28 May 1951¹
- ... The armistice negotiations, about which there are varying rumours, and towards which progress seems to have been made, have aroused very great uneasiness among 30 million Koreans. Nothing will make us retreat by one single step or agree to any compromise until we have driven the enemy out of Korea and achieved the unification of the country....
- (iii) Extracts from a speech by the Secretary-General of the United Nations, Mr. Trygve Lie, to the Canadian United Nations Association, on the possibility of ending the fighting in Korea, Ottawa, I June 1951²
- ... I believe the time has come for a new effort to end the fighting in Korea. The United Nations forces there, as things stand today, have repelled the aggression and thrown the aggressors back across the Thirty-eighth Parallel.

If a cease fire could be arranged approximately along the Thirty-eighth Parallel then the main purpose of the Security Council resolutions of June 25 and July 7 will be fulfilled, provided that the cease fire is followed by the restoration of peace and security in the area. . . .

It takes two sides to make peace. We do not know whether the North Koreans and their supporters are ready to agree to a cease fire to be followed by negotiations. Until we do know, the members of the United Nations must continue to fight in Korea with all the forces they can safely be committed to the action.

If there is no cease fire in the very near future I think that it will be the duty of all members of the United Nations to reconsider the situation and to contribute additional forces.

But the way is open for a cease fire if the North Koreans and their supporters will now indicate they are ready to join with the United Nations in stopping the bloodshed....

¹ Translated from Neue Zürcher Zeitung, 29 May 1951.

² New York Times, 2 June 1951.

(iv) Extract from a broadcast speech by Mr. Jacob Malik, Permanent Representative of the U.S.S.R. to the United Nations, 23 June 19511

factum, the American aggression in Korea and China. The United Nations branded as an 'aggressor' the People's Republic of China, which is defending its own frontiers and endeavoring to secure the return of the island of Taiwan, which has been seized by the American forces.² This is also borne out by the illegal decision to declare an embargo against China³ and by the fact that 400 millions of Chinese people are still not represented in the United Nations.

The Soviet Union will continue its struggle to strengthen peace and avert a new world war. The peoples of the Soviet Union believe that it

is possible to defend the cause of peace.

The Soviet peoples further believe that the most acute problem of the present day—the problem of the armed conflict in Korea—could also be settled.

This would require the readiness of the parties to enter on the path of a peaceful settlement of the Korean question. The Soviet peoples believe that, as a first step, discussions should be started between the belligerents for a cease-fire and an armistice providing for the mutual withdrawal of forces from the thirty-eighth parallel.

Can such a step be taken?

I think it can, provided there is a sincere desire to put an end to the bloody fighting in Korea.

I think that, surely, is not too great a price to pay in order to achieve peace in Korea.

(v) Statement by the United States Department of State on talks between Admiral Alan Kirk, United States Ambassador in Moscow, and Mr. A. A. Gromyko, Russian Deputy Foreign Minister, on negotiations for an armistice in Korea, 28 June 19514

The United States has sought in New York and in Moscow a clarification on certain aspects of the statement made by Jacob A. Malik, the

Soviet representative at the United Nations, on June 23.

Deputy Foreign Minister Gromyko received the United States Ambassador in Moscow on June 27. In discussing Mr. Malik's statement, Mr. Gromyko indicated that it would be for the military representatives of the Unified Command and of the Korean Republic Command, on the one hand, and the military representatives of the North Korean Command and of the 'Chinese volunteer units,' on the other, to negotiate the armistice envisaged in Mr. Malik's statement. The armistice, Mr. Gromyko pointed

¹ The Price of Peace, pp. 49-50.

² See above, p. 547.

³ See above, p. 571.

⁴ Department of State Bulletin, 9 July 1951, p. 45.

out, would include a cease-fire and would be limited to strictly military questions without involving any political or territorial matters; the military representatives would discuss questions of assurances against the resumption of hostilities.

Beyond the conclusion of an armistice, the Soviet Government had no specific steps in mind looking toward the peaceful settlement to which Mr. Malik referred. Mr. Gromyko indicated, however, that it would be up to the parties in Korea to decide what subsequent special arrangements would have to be made for a political and territorial settlement. He said that the Soviet Government was not aware of the views of the Chinese Communist regime on Mr. Malik's statement.

The implications of Mr. Gromyko's observations are being studied. The Department of State is consulting with the representatives of other countries having armed forces in Korea under the Unified Command.

- (vi) Exchange of messages between General Matthew Ridgway, Commander-in-Chief United Nations Command, and the North Korean and Chinese Communist Commanders, arranging for a meet-ing to discuss an armistice¹
 - (a) Broadcast by General Ridgway, 30 June 1951

As Commander in Chief of the United Nations Command I have been instructed to communicate to you the following:

I am informed that you may wish a meeting to discuss an armistice providing for the cessation of hostilities and all acts of armed force in Korea, with adequate guarantees for the maintenance of such armistice.

Upon the receipt of word from you that such a meeting is desired I shall be prepared to name my representative. I would also at that time suggest a date at which he could meet with your representative. I propose that such a meeting could take place aboard a Danish hospital ship [Jutlandia] in Wonsan harbor.

M. B. Ridgway
General, U.S. Army,
Commander in Chief, United Nations Command

(b) Reply from Generals Kim Il Sung and Peng Teh-huai, 2 July 1951 General Ridgway,

Commander in Chief of the United Nations Forces:

Your statement of June 30 this year concerning peace talks has been received.

¹ Department of State Bulletin, 9 July 1951, pp. 43-44. Documents in this section which were issued in Korea or Tokyo are dated in accordance with Far Eastern Time, which is 9 hours in advance of Greenwich Mean Time and 14 hours in advance of Eastern Standard (Washington) Time. Summer time is observed in all three countries.

We are authorized to inform you that we agree to meet your representative for conducting talks concerning cessation of military action and establishment of peace.

We propose that the place of meeting be in the area of Kaesong on the Thirty-eighth Parallel. If you agree, our representatives are prepared to meet your representatives between July 10 and July 15, 1951.

KIM IL SUNG,

Supreme Commander of the Korean Peoples Army.
Peng Teh-huai,

Commander of the Chinese Volunteer Forces.

(c) Further message from General Ridgway suggesting a meeting at Kaesong, 3
July 1951

To General Kim Il Sung General Peng Teh-huai

I have received your reply to my message of 30 June. I am prepared for my representatives to meet yours at Kaesong on July 10, or at an earlier date if your representatives complete their preparations before that date. Since agreement on armistice terms has to precede cessation of hostilities, delay in initiating the meetings and in reaching agreement will prolong the fighting and increase the losses. To insure efficient arrangement of the many details connected with the first meeting, I propose that not to exceed 3 of my liaison officers have a preliminary meeting with an equal number of yours in Kaesong on 5 July, or as soon thereafter as practicable. If you concur, my liaison officers, the senior of whom will not be above the rank of Colonel will depart Kimpo Airfield, southwest of Seoul by helicopter at 2300 GMT on 4 July (0900, 5 July, Tokyo time) or at the same hour on the day agreed upon for this meeting, proceeding direct to Kaesong.

In the event of bad weather, these officers will proceed in a convoy of 3 unarmed 1-quarter ton trucks, commonly known as jeeps, along the main road from Seoul to Kaesong. Each vehicle will bear a large white flag. The convoy will cross the Imjin River on the Seoul-Kaesong road at about 2300 hours GMT, 4 July (0900, 5 July Tokyo time) or at the same hour on the day agreed upon for this meeting. The convoy bearing your liaison officers to and from the meeting will be granted immunity from attack by my forces, providing you advise me of its route and schedule, and the manner by which my forces may identify it.

Your reply is requested.

M. B. Ridgway General, United States Army Commander-in-Chief United Nations Command. (d) Reply from Generals Kim and Peng, 4 July 1951

General Ridgway, Commander in Chief of the U.N. forces.

Your reply of July 3 to us has been received. In order to guarantee effectively steps regarding various processes for the first conference of representatives of both sides, we agree to the despatching of (3) liaison officers by each side to hold a preparatory conference in the Kaesong area as you proposed. If you agree to our proposal for setting the date for the conference of liaison officers as July 8, we will notify you of further business preparations for the meeting of liaison officers from both sides.

Kim Il Sung, Supreme Commander of Korean Peoples
Armed Forces

Peng Teh-huai, Commander of the Peoples Volunteer Forces.

Pyongyang City. July 4, 1951.

(e) Message from General Ridgway asking for a safe conduct for the United Nations personnel, 5 July 1951

General Kim Il Sung General Peng Teh-huai

I have received your reply dated 4 July.

The date of 8 July for an initial meeting is acceptable. Reference is made to my message dated 3 July. In addition to the 3 Liaison Officers specified in that message, 2 interpreters will be sent. Positive assurance of safe conduct for this personnel is requested.

Your reply is requested.

M. B. RIDGWAY
General, United States Army
Commander-in-Chief
United Nations Command.

(f) Reply from Generals Kim and Peng, 6 July 1951

General Ridgway, Commander in Chief of the U.N. Forces.

We have received your second reply dated July 5. We agree to the number of liaison officers and their aides that you are sending and the time of their departure for Kaesong.

We undertake to assure their safe conduct, but for their more certain safety and to cut down the possibility of misunderstanding we suggest that they proceed to Kaesong by a convoy of jeeps.

At the same time, we inform you that our three liaison officers, one of whom is a colonel, together with two interpreters and reception personnel will set out at 5:00 p.m. Pyongyang time on July 7 the day before the preliminary meeting from the Pyongyang area on five jeeps and five

motor trucks for the Kaesong area via Sariwon and Namchonjom to prepare and take part in the preliminary meeting agreed upon by both parties.

Each motor vehicle will have a white flag set on top of it. Please take

note of this information.

KIM IL SUNG, Supreme Commander of Korean Peoples Armed Forces.

Peng Teh-huai, Commander of the Peoples Volunteer Forces.

(vii) Communiqué issued by the United Nations Command after the meeting between United Nations representatives and Communist officers at Kaesong, 8 July 1951¹

The United Nations liaison group composed of Col. A. J. Kinney, United States Air Force; Col. J. C. Murray, United States Marine Corps, and Col. Soo Young Lee, Republic of Korea Army, crossed the Imjin River by helicopter at 0900 8 July.

The party landed at Kaesong at 0922 and was conducted by jeep to the location of the meeting. The meeting was held in a conference room eighteen by fifteen feet at Kwangmum Dong, north of the center of

Kaesong.

The Communist liaison group consisted of three officers: Colonel Chang, North Korean Army; Lieutenant Colonel Chai, Chinese Communist Army, and Lieutenant Colonel Kim, North Korean Army.

After exchanging credentials, the two liaison groups conferred on arrangements for the first meeting. The first meeting will be held on 10

July at the same location as the preliminary meeting.

The United Nations delegation to the first meeting will be composed as follows: Vice Admiral C. Turner Joy, United States Navy; Maj. Gen. L. C. Craigie, United States Air Force; Maj. Gen. H. I. Hodes, Eighth United States Army; Rear Admiral Arleigh Burke, United States Navy; Maj. Gen. Paik Sun Yup, Republic of Korean Army.

The Communist delegation to the first meeting will be composed of the following: Gen. Nam Il, North Korean Army; Maj. Gen. Lee Sang Cho, North Korean Army; Gen. Tung Hua, Chinese Communist forces, and

Gen. Hsieh Fang, Chinese Communist forces.

The negotiations were carried out without incident, and the United Nations liaison group returned by helicopter at the conclusion of the conference, landing at approximately 1640 8 July. The meeting was harmonious throughout.

¹ Department of State Bulletin, 9 July 1951, p. 43.

(viii) United Nations memorandum on the Breakdown of Talks with the Communists, 12 July 1951¹

At the first meeting with the Communist delegation, Admiral Joy proposed the admission of newsmen to the vicinity of the conference. His proposal was that 20 selected newsmen be permitted to move to and from the conference area as a part of the United Nations Command delegation. He emphasized that they would not be admitted to the conference room but only to the area of the conference.

General Nam II at first accepted this proposal but later reversed his decision, saying that he communicated the question to his Supreme Commander. Until he receives the answer he would like to postpone the matter. Admiral Joy stated that his liaison officer would go to Kaesong at 7:30 a.m. July 11 to get their reply.

At that time, Col. J. C. Murray, U.S.M.C., landed in a helicopter on the landing strip at Kaesong to receive the Communist reply.

He was met at the airstrip on arrival by Lt. Col. Chai Chengwan, Chinese Communist forces, and his interpreter, Pi Shi-lung. Colonel Chai stated that he was instructed to advise:

Since the conference at the present stage is still strictly a military one, and even the agenda has not been agreed upon, our Supreme Commander considers that it is not the time yet for the press to come in. However, we are still considering the matter.

Admiral Joy, on the second day of the conference, again raised the question of the press, stating that the United Nations Command delegation desired the presence of professional newsmen at the site of the conference.

The United Nations Command delegation (Admiral Joy said), on instruction of the Commander in Chief of the United Nations Command, must therefore insist that newsmen be admitted to the area of this conference without further delay.

General Nam II replied that the meeting was being held under war conditions and that the agenda had not been agreed upon and the Communist delegation did not consider the presence of newsmen desirable at this time.

At a later time, Admiral Joy again raised the question and General Nam II replied:

I don't mean to say I refuse the newspapermen to come to the conference site area, but for the time being the matter must be reserved.

Toward the end of the session, Admiral Joy stated he had received a dispatch from the Commander in Chief United Nations Command, which he read:

¹ Department of State Bulletin, 23 July 1951, pp. 151-2.

I desire that you inform the Communist delegates as follows—The presence of a selected number of newsmen at a conference of such major importance to the entire world is considered an inherent right by members of the United Nations. Therefore, a selected group of professional newsmen, photographers and newsreel cameramen, numbering approximately twenty, will accompany and be an integral part of the United Nations Command delegation to any and all future sessions beginning 12 July.

Thereupon, Admiral Joy informed the Communist delegation that if, by tomorrow morning, newsmen are still unacceptable at the site of the conference, it is requested that we be informed by 7:30 a.m. tomorrow on what date it will be possible to resume the conference with newsmen present at the conference site.

Communications by liaison officers meeting at a half-way point between the Imjin River and Kaesong were agreed upon. At 7:30 a.m., 12 July, Col. J. C. Murray, in company with an interpreter, landed at the enemy outpost at Panmunjon to receive the answer of the enemy delegation. The spokesman of the enemy delegation was a captain of the North Korean Army who stated:

I have been instructed by our senior delegate to inform you formally with regard to the question of correspondents that we are in favor of having newsmen from both sides come to Kaesong at the opportune time.

When agreement is reached on our negotiations we shall welcome newsmen to come here to do their press coverage. We wish that we can state a definite date and we hope that such a date will arrive very soon, but this depends on the efforts made by both sides during the conference and cannot be determined by our side alone.

Colonel Murray replied:

On the assumption that you would not allow the conference to be delayed over the issue of admitting 20 newsmen to the conference area we placed our convoy on the road to arrive on time to prepare for the conference at 9 a.m. This convoy includes 20 newsmen. If you refuse the convoy permission to proceed, the officer in charge has been directed to return to our lines.

The convoy reached the enemy outpost at 8:37 a.m. An armed guard stopped the convoy and noted the presence of the accompanying newsmen. The Communist officer in charge refused to permit the convoy to proceed with correspondents as an integral part.

Captain McAllister, the convoy commander, stated that he would wait until 9:30 a.m., at which time, if his complete convoy, including the 20 newsmen, had not been passed, he would return to the lines of the United Nations Command. At 9:30 a.m., the enemy outpost having received no additional instructions, the convoy returned to the positions of the United Nations forces.

(ix) Letter from General Ridgway to Generals Kim and Peng proposing a resumption of the truce talks, 13 July 1951

In my initial message to you on 30 June I proposed that representatives meet aboard a Danish hospital ship. I suggested this site since it would have afforded equal freedom of access to both parties, including any elements such as newsmen associated with the party. It would have provided a completely neutral atmosphere free of the menacing presence of armed troops of either side. It would have provided equal communication facilities of all kinds.

Your reply to my message made no reference to my proposed meeting place. Instead you proposed Kaesong. In the interest of expediting the end of bloodshed and to demonstrate the good faith under which the United Nations Command was proceeding, I accepted Kaesong as the site for our discussion.

In so doing, I expected the conditions referred to above, vital to the success of any such discussion, would be afforded at Kaesong. In order to provide further assurances that such conditions would in fact exist at the conference site, my liaison officers in their initial meeting with yours on 8 July proposed that a ten-mile-wide corridor centered on the Kumchon-Kaesong-Munsan road and limited by Kumchon on the north and Munsanni on the south be established as a neutral zone free of any hostile action by either party.

They further recommended that United Nations forces within this corridor remain south of an east-west line to the south edge of Kaesong while your forces within this corridor remained north of an east-west line to the north edge of Kaesong, leaving the town of Kaesong restricted to

entry only by those individuals in the delegation party.

Agreement on this proposal would have assured freedom of movement to both delegations to and from the meetings and within the town of Kaesong. However, your liaison officers declined to agree to this proposal, stating that it was not needed to insure satisfactory conditions at the conference site for both delegations. To show good faith and avoid delay I accepted your assurances instead of my proposal to establish a neutral zone. Since the opening of the conference it has been evident that the equality of treatment so essential to the conduct of armistice negotiations is lacking. Since the first meeting at Kaesong your delegation has placed restrictions on movement of our delegation. It has subjected our personnel to the close proximity of your armed guard. It has delayed and blocked passage of our couriers. It has withheld its cooperation in establishment of 2-way communications with our base even though it agreed to do so immediately. It has refused admittance to the conference area certain

personnel in our convoy which I desire and for whose conduct I stated I assumed full responsibility. Extension of the present recess and the delay in resuming the conference of our delegation is solely due to those unreasonable restrictions against which my representatives have repeatedly protested.

As pointed out to your representatives by Vice Admiral Joy, my personal representative in the first meeting of 10 July, the hope for success of these discussions rested upon the good faith of both sides. With good faith mutual confidence might be established, an atmosphere of truth created and the attainment of an honorable and enduring settlement brought measurably nearer.

The record of the United Nations Command delegation to date is open for world inspection. It establishes beyond any shadow of doubt their honorable intentions and good faith at every stage of the proceedings. With full and solemn realization of the vital importance of our conference to all the peoples of the world, the United Nations Command delegation is prepared to continue our discussions in the same spirit of good faith at any time that we receive assurance that your delegation will proceed in like spirit.

The assurances which I require are simple and few. They include as primary prerequisites the establishment of an agreed conference area of suitable extent completely free of armed personnel of either side. Each delegation must have complete reciprocity of treatment to include complete and equal freedom of movement to, from and within the agreed conference area and complete and equal freedom at all times in the selection of the personnel in its delegation party to include representatives of the press.

I therefore now propose that a circular area with its center approximately at the center of Kaesong and with a five-mile radius be agreed upon as a neutral zone. The eastern limit of the neutral zone shall be the present point of contact of our forces at Panmunjon. I propose that we both agree to refrain from any hostile acts within this zone during the entire period of our conference. I propose that we agree that the area of the conference site and the roads leading thereto used by personnel of both delegation parties be completely free of armed personnel.

I further propose we both agree that the total personnel of each delegation within the neutral area at any time be limited to a maximum of 150. I propose that we agree that the composition of each delegation party within the foregoing limits be subject solely to the determination of its commander. It is understood that personnel to be admitted to the actual conference chamber should be limited to those agreed upon by your representatives and mine.

If you agree to these proposals the present recess can be terminated and

the conference resumed without delay and with some expectation of progress. Radio telephone is available to you for communication to me of your reply. If you prefer to send your reply by liaison officer I guarantee his safety within my lines during daylight providing you inform me of the time and route by which he will travel and the manner by which he may be identified.

Should you continue to insist that restrictions are necessary for our personal safety or for any other reason I propose that the conference site be moved to a locality which will afford the few simple assurances I have specified herein.

(x) Reply from Generals Kim and Peng agreeing to General Ridgway's proposals, 14 July 1951

General RIDGWAY:

Your letter dated July 13 has been received. In order to eliminate misunderstanding and arguments over some side questions and to enable the work of peace negotiations to proceed smoothly, we agree to your proposal of fixing the Kaesong area as a neutral zone during the period of the meeting, and that both parties do not carry out hostile acts of any kind within this area, and all armed personnel be excluded from the area of the meeting place and from the routes through which your delegation and our travel to the area of the meeting place. As to the size of the area of the meeting place and other related concrete questions, we propose that these be left to the delegations of both sides to settle at a single session.

With regard to the question of news reporters, which gave rise to the holding up of the meeting, this has nothing to do with the question of the fixing of a neutral zone. Your delegation never raised the question of fixing of a neutral zone after your liaison officers raised it once on July 8, but the task of the liaison officers was to discuss questions of detail. They had no power to discuss a question of the nature—a question of fixing a neutral zone.

The question of news reporters which gave rise to the present suspension of the meeting is a trifling one. It is not worth while suspending the meeting for this, much less is it worth breaking up the meeting for this. Your delegation had raised this question at the meeting. Our delegation at the time considered that the arrival of news reporters of various countries in Kaesong to be inappropriate, as the meeting had not yet achieved any result and even the agenda had not yet been passed. Thus on this question no agreement was reached.

Department of State Bulletin, 23 July 1951, pp. 153-4.

We insist on the principle that all matters must be agreed upon by both sides before they can be executed. We hold that this principle is fair and irrefutable. Since agreement was not reached on the question of news reporters, your side should not one-sidedly and forcibly put it into operation.

For the sake of preventing the meeting from being suspended for a long time or broken up by this trifle, we now agree to your proposal: to include the 20 news reporters of your side as a part of the personnel of your delegation.

We have already ordered our delegation to provide facilities to your side on this question too.

(xi) STATEMENT BY MR. ACHESON ON THE COMMUNIST PROPOSALS FOR THE WITHDRAWAL OF FOREIGN TROOPS FROM KOREA, 19 JULY 19511

The Communist delegation at Kaesong has raised the question of the withdrawal of all foreign forces from Korea in connection with an armistice. The United Nations Command delegation has stated that it cannot go into this question, which is political in character and can only be settled by the United Nations and the governments concerned.

This is no theoretical argument as to whether the question is political or military. The United Nations forces are in Korea because of decisions made by governments to send them to Korea in response to a request by the United Nations. They are there to repel aggression and to restore international peace and security in the area.

If there is an effective armistice, a United Nations force must remain in Korea until a genuine peace has been firmly established and the Korean people have assurance that they can work out their future free from the fear of aggression. The size of the United Nations force remaining in Korea will depend upon circumstances and, particularly, upon the faithfulness with which an armistice is carried out.

Korea's neighbors know that the presence of United Nations forces in Korea constitutes no danger or threat to themselves. The repeated expressions of policy by the United Nations, and, indeed, the very nature of that organization, furnish them entirely adequate guarantees on this point.

Once before, foreign forces were withdrawn from Korea as a part of a U.N. plan to reach a final settlement of the Korean problem. The Communists defied this effort and committed aggression against the Republic of Korea. The Korean people can be assured that a repetition of this act will not be tolerated.

¹ Ibid. 30 July 1951, p. 188.

(xii) Announcement by General Ridgway of the adoption of an agenda, 26 July 19511

This afternoon the delegations representing the belligerent forces in Korea in the conference at Kaesong agreed upon an agenda for the regulation of the military armistice conference.

This agenda is as follows:

1. Adoption of agenda.

- 2. Fixing a military demarcation line between both sides so as to establish a demilitarized zone as a basic condition for a cessation of hostilities in Korea.
- 3. Concrete arrangements for the realization of a cease-fire and an armistice in Korea, including the composition, authority and functions of a supervising organization for carrying out the terms of a cease-fire and armistice.
 - 4. Arrangements relating to prisoners of war.
- 5. Recommendations to the governments of the countries concerned on both sides.

Having agreed upon an agenda, the way now is clear for the delegations to enter the area of really substantive discussion of the terms of a military armistice. Major problems remain to be solved in these discussions. It is much too early to predict either the success or the rate of progress to be obtained. Preliminary discussion began immediately after the agreement on the agenda in order that the potential for halting bloodshed in Korea may be realized as soon as possible.

It must be fully realized that mutual acceptance of an agenda is merely the initial step for the final goal of a military armistice and resultant ceasefire, which must be achieved under conditions giving every reasonable assurance against the resumption of hostilities.

There are numerous basic points within the framework of the agenda on which agreement must be reached and on which there is presently wide diversion of views.

(xiii) Statement by General Ridgway on the Communists' breakingoff of the truce talks, 23 August 1951²

The report of the alleged bombing attack of the armistice conference site at Kaesong at 2320 hours 22 August, has been thoroughly investigated by the United Nations.

The commanding general, Far East Air Forces, at conclusion of his

investigation, has reported as follows:

'No plane under Far East Air Forces control was over Kaesong at the time of the alleged attack'.

Department of State Bulletin, 6 August 1951, pp. 231-2.

² Ibid. 3 September 1951, pp. 390-1.

The command, Naval Forces Far East, was also instructed to conduct investigations as were deemed necessary to insure that no naval aircraft could have participated in the operation allegedly occurring last night at Kaesong. He reported officially to the Commander in Chief, United Nations Command, as follows:

'Negative aircraft operating under Navy control over Korea night 22 August.'

The United Nations Command liaison officers, Cols. A. J. Kenney, U.S.A.F., and J. C. Murray, U.S.M.C., conducted the on-the-spot investigation which failed to disclose any concrete evidence of an actual bombing by a United Nations aircraft. Their investigations revealed no scorched area which normally results from a napalm bomb detonation, nor any visible signs of a bomb crater which would have been caused by the alleged attack.

A flush-riveted piece of metal, which was identified by the Communist liaison officer as a part of the napalm bomb utilized in the attack, is not of the construction used by the United Nations command, as flush riveting is not employed in the manufacture of napalm tanks. They are of rough construction, more economically produced as they are used only once.

The United Nations Command liaison officers could discover but one individual who claimed to have been and eye-witness to the attack. He stated that the airplane he saw had its headlights on throughout the attack, which is not a practice engaged in by any U.N.C. [United Nations Command] aircraft during night operations.

The alleged bombing incident revealed no damage to any building, personnel, or crops in the area. Colonel Kinney, an experienced air officer, was certain that the hole twenty-four inches in diameter and twelve inches deep, pointed out to him by the Communists as the result of impact, could not have been a bomb crater. Colonel Kinney agreed with Colonel Murray that this hole might have been the result of a hand grenade explosion pre-set in the ground.

As has been brought out before, the decision to declare all meetings 'off from this time', which required a decision from a high level of command, could not have been arrived at and transmitted to Colonel Chang, Communist liaison officer, for delivery to United Nations Command liaison officers in the interval from 2320 on 22 August to 0145 on 23 August.

(xiv) The resumption of the truce talks, 22 October 1951

(a) Eight-point agreement1

1. The specific site at which the conference of the delegations will be resumed is in the vicinity of Panmunion and indicated on the attached map.

¹ New China News Agency, 25 October 1951.

- 2. The conference site area is a circular area having a radius of 1,000 yards centred on the conference site as indicated on the attached map.
- 3. No hostile acts of any kind shall be carried out by any armed forces of either side, including all regular and irregular units and armed ground, naval and air forces, against the conference site area as defined above.
- 4. Except for military police provided for, no armed personnel of either side shall be permitted in the conference area. Designated officers of both sides will be jointly responsible for security and the preservation of order within the conference site area.

Each side shall provide military police detachments of two officers and 15 men to assist in the performance of these duties while the delegation parties are present in the conference site area. During the periods when the delegation parties are not present in the conference site area one officer and five men of the military police from both sides will be stationed in the conference site area. Military police shall carry only small arms, namely pistols, rifles and carbines.

- 5. Both delegations and their parties shall have free access to, and free movement within the Panmunjon conference site area. The composition of each delegation party shall be determined by the senior delegate thereof.
- 6. Physical facilities and communication and administrative arrangements with respect to negotiations and the conference site area will be as agreed upon by the liaison officers of both sides. The delegation of the Korean People's Army and the Chinese People's volunteers will be responsible for providing a suitable joint facility for use as a meeting place of the delegations and for arrangements within the conference room. Except for this installation each delegation will provide its own facilities.
- 7. All armed forces of both sides, including all regular and irregular units and armed individuals of ground, naval and air forces, shall refrain from hostile acts of any kind against a circular area having a radius of three miles centred on Kaisung, against the camp area of the U.N. command delegation contained within a circle having a radius of three miles centred as indicated on the attached map and against an area of 200 metres to either side of the Kaisung-Panmunjon-Munsan road (as indicated on the attached map).
- 8. The date and time for the resumption of the conference of the delegations will be determined by agreement between the liaison officers of both sides.

(b) Five mutual understandings¹

In addition to the eight-paragraph agreement on conditions under which the armistice conference will resume, there were five mutual understandings reached also. These mutual understandings are not part of the agreement itself which has been ratified by the delegations. The mutual understandings have the same force, however, as the agreement.

The five points provide that:

- 1. 'Armed forces' as used in the agreement are defined as armed units or individuals who are controlled by or prompted overtly or covertly by one side or the other and should a joint investigation of an incident indicate that armed forces were responsible, then that side 'shall not evade responsibility.'
- 2. Any investigation of alleged incidents shall be conducted as in the past.
- 3. The Liaison officers' agreement which was signed Oct. 22 will be the draft of the significant portion of the final agreement to be ratified by the delegations and will then remain in effect during the armistice talks themselves.
- 4. The agreement, when ratified, will supersede all previous agreements which had been reached concerning the former Kaesong area and conference site.
- 5. Military planes of both sides will not fly over the Panmunjom conference site area except under 'weather or technical conditions beyond control.' Further, this paragraph provides that U.N.C. planes will avoid the newly defined Kaesong restricted area and the Kaesong-Panmunjom restricted road except under weather or technical conditions beyond control, and the Communist planes also will not fly over the Munsan restricted area or the road from there to the conference site except under the same conditions.
- (xv) United States and Russian statements on the position in Korea and on Russo-American relations
 - (a) Statement by Admiral Kirk, 5 October 19511

I have been instructed before leaving Moscow for an extended period to take advantage of the opportunity to discuss certain matters now causing international tension and standing in the way of improved relations between our two countries.

At the present time the most explosive outstanding issue is Korea, and the armistice talks are the most immediate aspect of that problem. The cessation of fighting in Korea on a mutually acceptable basis would serve to reduce tensions and contribute to an atmosphere in which further constructive steps might be taken toward the solution of other pressing international problems.

The developments between the United Nations Command and the Department of State Bulletin, 29 October 1951, pp. 687-8.

North Korean and Chinese Communist negotiators are incomprehensible to the United States Government. The North Korean and Chinese Communist proposals in regard to an armistice line are inconsistent with the current military situation and with statements which Acting Foreign Minister Gromyko made to me upon the occasion of my call on him on June 27 of this year to clarify the earlier public statement by Mr. Malik in New York on June 25. In that interview Mr. Gromyko explained that the Soviet Government envisaged a meeting of the opposing commands to conclude a military armistice which would include a cease fire and which would be limited strictly to military questions and would not involve any political or territorial matters.

The United Nations Command was surprised and disappointed to discover that the opposing negotiators kept insisting upon an armistice line not strictly military in character which introduced complicated political and territorial issues contrary to the understanding on which the United Nations Command had entered the negotiations and which does not conform to the military requirements for a satisfactory armistice line. To take important political steps in military conversations between the United Nations Commander on the one side and commanders on the other, who profess to represent Chinese 'volunteers' and a North Korean regime which enjoys no international status, cannot be accepted. The United Nations Commander was authorized to participate in such military talks with the thought that this would provide the Soviet Government with an opportunity to assist in bringing about an armistice. This does not mean that the United States Government is prepared to dispose of important political matters in talks with such irregular Communist military personnel. Political issues of a Korean settlement must be dealt with subsequent to an armistice by the United Nations and by the governments concerned on a responsible basis.

In the opinion of the United States Government the attitude of the Communist bloc toward the restoration of peace will be tested by whether the North Korean and Chinese Communist negotiators are prepared to reach an armistice settlement based on purely military factors; upon a reasonable line affording safety to the armed forces of both sides; and upon adequate arrangements for the inspection of compliance with the armistice terms; and for the satisfactory disposition of prisoners of war. The Soviet Government must surely recognize that, as a simple statement of fact, the breakdown of armistice talks in Korea would add greatly to the explosive character of the situation and might stimulate a course of events which would be undesirable from the point of view of both our governments. The United States Government for its part has clearly shown by its declarations and by its actions that it desires an end to the conflict in

Korea and to prevent its spreading to other areas, purposes which the Soviet Government has publicly stated it shares.

With regard to the current status of the armistice talks, I wish to affirm that the United Nations Command is sincerely desirous of concluding an armistice. However, past experience with the Kaesong site fully illustrates the fact that this place does not afford adequate protection guaranteeing the security of the negotiations. The insistence of the United Nations Command upon another site which will not be under the control of either side and to which both sides will have free access should eliminate the possibility of incidents and insure that the talks can be resumed with good prospect of success. In proposing to discuss the change of site from Kaesong, the sole purpose of the United Nations Command has been to obtain a resumption of the talks in a truly neutral area with equality of rights and access and to obviate the possibility of charges and counter-charges concerning incidents which have plagued the talks to this date. In the eyes of the United Nations Command there is no reason why agreement on another site truly neutral cannot be quickly agreed upon by both sides and the talks resumed.

Of all the problems and causes of tensions in the postwar world the Korean problem presents the clearest immediate issue. The invasion of South Korea on June 25, 1950, was an act of naked aggression—a fact understood throughout the world. The very fact that the North Korean Army almost succeeded in reaching Pusan in the early stages of the war demonstrates clearly upon whose responsibility the aggression lay. However, I have no desire now to enter into a fruitless discussion concerning what has been done; what I do wish to impress upon you is the seriousness of the present impasse in the Korean armistice talks. It is hoped that the Soviet Government will act to the end that the North Korean and Chinese Communist negotiators will conclude a realistic armistice agreement which would afford safety for both sides and which does not become involved with political and territorial issues with which the governments of the United Nations must deal.

I assume that the Soviet Government is receiving full and objective reports concerning developments outside the Soviet Union and the attitude of the United States and other states confronted by Soviet policies which have proved uncompromising and not contributory to the solution of mutual problems. The Soviet Government does not need to be told that other nations are determined to defend their own way of life and independence. The measures now being taken by the United States and other governments to increase their security are for defense and defense alone. On specific instructions of my government I wish to assure the Soviet Government that the United States has no aggressive designs on the U.S.S.R. or on anyone and it is our hope that there may soon be restored

to the nations of the world a sense of confidence and security which should be conducive to the settlement of outstanding issues embittering international relations. Nothing could contribute more to this as an immediate first step than the successful outcome of the Korean armistice talks.

Without the achievement of an armistice in Korea, there is little if any prospect for any real solution of other problems besetting us throughout the world. An armistice in Korea might open up perspectives for the useful discussion of other measures which may be taken to alleviate existing tensions. In conclusion I should like to express the hope of the United States Government that an armistice can be achieved and that the Soviet Government will act to that end.

(b) Statement by the Russian Foreign Minister, Mr. A. Y. Vyshinsky, 15 October 1951¹

On October 5 I received, at his request, the United States Ambassador to the U.S.S.R., Mr. A. Kirk, who stated that he would like to discuss the question of improving relations between our two countries. The Ambassador stated that he was authorised by the Government of the United States to ask me to bring to the knowledge of the Soviet Government and to draw the personal attention of Generalissimo Stalin to the statement he was instructed to make on this question. Next, the Ambassador read an extensive statement outlined on seven to eight pages.

When I expressed the desire to receive the text of this statement the Ambassador, to my surprise, said that according to his instructions he was to make this statement only in oral form and not to leave a written text.

- 1. The contents of the oral statement made by Mr. Kirk resolve in the main to the following:
- a. It is pointed out in the statement read by Mr. Kirk that the Korean question is at present the most acute and dangerous international question requiring immediate settlement. The American Government attached tremendous significance to the armistice negotiations in Korea, considering that a favourable outcome of armistice negotiations would make it possible to settle other unsolved questions that are causing tension in international relations and would open prospects for improving relations between the U.S.S.R. and the United States. The Ambassador said that the United States Government hoped for the help of the Soviet Government in the positive completion of these negotiations. Alongside such an appeal to the Soviet Government for help, Mr. Kirk, however, resorted to rather strange hints at some kind of possible 'bad effect' between the U.S.S.R. and the United States in case of an unfavourable outcome of these negotiations.

The Ambassador also stated that the American Command objected to

discussing in Kaesong the question of defining a cease-fire line, claiming that this question was of a political nature.

b. The statement also gives attention to Soviet-American relations, with an attempt being made to shift the responsibility for the tension in international relations onto the democratic countries, called by the Ambassador 'the Communist bloc', which, he alleged, did not manifest a desire to settle unsolved international questions. The statement also alleged that the Soviet Union held an irreconcilable stand with regard to many international problems and this, it was claimed, caused alarm in the United States and in other countries.

Mr. Kirk also gave an assurance that the measures the United States was taking in the military sphere did not pursue any aggressive intentions with regard to the Soviet Union and other countries and were directed only towards defence, and that he stated this officially on the authorisation of his Government.

2. In his oral statement Mr. Kirk dwelt chiefly on two questions—the situation in Korea and Soviet-American relations.

The Soviet Government attaches great significance to the questions, in which connection it is necessary to state the following:

a. Concerning the situation in Korea. It is seen from Mr. Kirk's statement that the United States Government is anxious about the situation that has arisen in Korea and the course of negotiations for ceasing hostilities. Such anxiety is fully understandable since it is generally known that, having unleashed war against the Korean people, the American Government has found itself in a position which makes it anxious for the outcome of the military gamble it has undertaken in Korea.

However, the Ambassador's statement about the striving of the United States Government for the successful completion of the negotiations in Kaesong does not harmonise with the policy the American Government pursues on this question, systematically rejecting all proposals put forward for a really peaceful settlement of the Korean question, namely proposals for an immediate cessation of the aggressive war in Korea, the withdrawal of all foreign troops from Korea and the peaceful settlement of the entire Korean issue.

In this connection it is necessary to draw the attention of the United States Government to the efforts of the Soviet Union to attain the successful completion of the negotiations in Kaesong, and the termination of the war in Korea.

It is not the Government of the United States, not the United Nations but precisely the Soviet Government that has taken the initiative for a peaceful settlement of the Korean conflict. As early as the beginning of July, 1950, the Chairman of the Council of Ministers of the U.S.S.R., J. V. Stalin, came out for a swift settlement through the Security Council

of the Korean conflict. At the Fifth Session of the General Assembly in 1950 the Soviet Government also submitted a proposal for an immediate peaceful settlement of the Korean question and a simultaneous withdrawal of foreign troops from Korea. Lastly, in June, 1951, the representative of the U.S.S.R. to the United Nations, Y. A. Malik, submitted a proposal that as a first step towards a peaceful settlement of the Korean question negotiations be started between the belligerents for ceasing hostilities and for an armistice with a mutual withdrawal of troops from the 38th Parallel.

As for the assertion of the Ambassador that delay in the Kaesong negotiations is caused by the stand taken by the Command of the North Korean troops and Chinese Volunteers this assertion is utterly groundless.

It is known that the Command of the Anglo-American forces in Korea systematically raises various obstacles to the successful progress of the negotiations, not hesitating to create all kinds of incidents used by General Ridgway to complicate the negotiations. It is these hindrances created by the American Command that are the real cause of the procrastination in the Kaesong negotiations.

The best means which could ensure the favourable outcome of the armistice negotiations would be an instruction to General Ridgway not to complicate the negotiations by all kinds of incidents, and not to create artificial hindrances by empty disputes, for example, about transferring the negotiations from Kaesong to some other place.

As for the Ambassador's remarks concerning the line at which armed forces of the sides will be stationed after ceasing hostilities, in the opinion of the Soviet Government this question is organically bound up with the question of ceasing hostilities, and consequently it cannot be evaded in the armistice negotiations.

The Soviet Government does not deem it necessary to deal with the assertions about aggression in South Korea contained in the statement inasmuch as the slanderous nature of such assertions has already been irrefutably proved earlier.

According to the Ambassador's statement, the United States Government hopes for the help of the Soviet Government in the positive completion of the negotiations in Kaesong. It is known however that the Soviet Government is not a party to these negotiations. On the other hand the United States Government is such a party and consequently it, precisely, is the one which can take measures for the successful completion of the negotiations. It goes without saying that any real efforts in this direction will meet, in the present, just as they would have met in the past, with the full and energetic support of the Soviet Union.

b. Concerning Soviet-American relations. The Ambassador stated that the United States Government authorised him to ask me to draw the attention of the Soviet Government and Generalissimo J. V. Stalin personally to the need for improving relations between our countries, pointing out that in this matter, as in the matter of settling other unsolved international questions, a favourable conclusion of the negotiations for an

armistice in Korea plays a great part.

Of course, in the interests of improving the international situation, it is urgently necessary to strive for a peaceful settlement of the Korean question. The Soviet Government has repeatedly made attempts to reach an understanding with the United States also regarding other important questions of Soviet-American relations, as well as regarding other unsettled international problems of paramount importance such as the questions of measures which would facilitate the establishment of a united, peaceloving, democratic, independent German State and the conclusion of a peace treaty with Germany; a peace settlement with Japan; unconditional prohibition of the atomic weapon and the institution of strict international control; discontinuation of the armaments drive and reduction of armed forces; prohibition of war propaganda and the conclusion of a peace pact.

On the initiative of the Soviet Government the Conference of Deputy Foreign Ministers on German and other important international questions was convened in Paris in 1951.1 The Soviet Government proposed to include in the agenda of the contemplated session of the Council of Foreign Ministers a number of questions requiring urgent solution including such an important question as that of the Atlantic Pact and American military bases in Europe and in the Near East. This proposal however was rejected by the Government of the United States as well as by the Governments of Great

Britain and France.

If the Government of the United States really stands for improving Soviet-American relations and for eliminating differences in a number of important international problems mentioned above, if it really stands for peace, it has had no few opportunities to prove in deeds its peace-loving aspirations of which the statement of the United States Government speaks. It is known however that the United States Government has not done this.

Mr. Kirk stated that the United States of America had no aggressive intentions whatever with regard to the Soviet Union and other countries, and strove to improve relations between our countries.

The United States Government is making such statements not for the first time. It is in place to recall in this connection the message of the United States President, Mr. Truman, and the joint resolution of the United States Senate and House of Representatives, sent to the President of the Presidium of the Supreme Soviet of the U.S.S.R., N. M. Shvernik.2 These documents also contained statements of this nature. This however

¹ See above, pp. 248-65.

² See above, p. 309.

did not prevent the United States Government from abrogating at the same time the Trade Agreement of the United States with the Soviet Union, which has been in operation from 1937 until recently, from passing under pretext of alleged strategic considerations the law which prohibits the rendering of any financial or economic so-called 'aid' to countries that export their goods to the U.S.S.R. and to countries friendly to the Soviet Union; and from taking other measures directed at the cessation of economic relations between the United States and the Soviet Union.

In the statement read by Mr. Kirk it is also said that the measures which the United States Government is taking in the military sphere have in view only defence and do not pursue any aggressive aims towards the U.S.S.R. and other countries. Such statements, however, stand in contradiction to the actions of the United States, which show that the United States Government is by no means concerned with maintaining peace. This is expressed not only in the war against the Korean people, but also in the establishment of the aggressive Atlantic bloc directed against the U.S.S.R. and other democratic countries, in the remilitarisation of Germany and Japan, in the armaments drive, in the establishment of numerous American military bases around the Soviet Union and so on.

The Soviet Government cannot overlook the remarks of the Ambassador about 'undesirable consequences' and possible 'bad effect' between our countries in the event of the negotiations in Kaesong not producing positive results. It is permissible first of all to ask what 'undesirable consequences' or 'bad effect' are meant by the American Government? If it is a matter of the possibility of further deterioration in Soviet-American relations, it is hardly possible to imagine that these relations can deteriorate still more, after President Truman has told the entire world that agreements with the Soviet Union are not worth a scrap of paper. Under such circumstances can the statement about the desire to improve Soviet-American relations be taken seriously? Would it not be more correct to presume that the Government of the United States in reality does not strive to improve Soviet-American relations and to co-operate with the Soviet Union, but is interested only in talk about co-operation and agreements?

Nevertheless, the Soviet Government, following its peace policy and tirelessly striving to establish co-operation with all countries ready to cooperate with the Soviet Union, agrees to examine with the participation of the Government of the United States all important and unsettled questions and to discuss measures for improving international relations, including also relations between the Soviet Union and the United States of America.

¹ The Mutual Defence Assistance Control Act: see above, p. 52.

(xvi) Discussion of Demarcation line and Demilitarized Zone

(a) United Nations draft agreement, 17 November 19511

The representatives of the U.N. Command and of the Korean People's Army and Chinese People's Volunteers:

(1) Reaffirm their understanding that hostilities will continue until the

signing of the armistice agreement.

- (2) Agree that the present line of contact as jointly determined by the subdelegations will constitute a provisional military demarcation line, and that two lines, two kilometers from this provisional military demarcation line, will constitute the southern and northern boundaries of a provisional demilitarized zone.
- (3) Agree that the above provisional military demarcation line and the above provisional demilitarized zone based upon the present line of contact shall become effective in any armistice agreement signed within 30 days after this agreement is accepted by the two delegations in plenary sessions.
- (4) Agree that, if an armistice agreement is not signed by the end of the 30-day period, the then existing line of contact will be determined jointly by the subdelegations and will constitute a new provisional military demarcation line which will be the median line of a new provisional demilitarized zone to be effective under such conditions as will be at that time mutually agreed to by the delegations of both sides.

(b) Communist proposals, 21 November 19512

The subdelegations of the delegation of the Korean People's Army and the Chinese People's Volunteers and the delegation of the UNC reach the following agreement on the second item of the agenda, fixing a military demarcation line between both sides so as to establish a demilitarized zone as the basic condition for the cessation of hostilities in Korea.

- (1) The principle is accepted that the actual line of contact between both sides be made the military demarcation line, and that both sides withdraw two kilometers from this line so as to establish the demilitarized zone.
- (2) In accordance with the above-mentioned principle, the subdelegations check immediately the present line of contact so as to fix the actual line of contact agreed upon by both sides as the military demarcation line, with the two lines two kilometers away on both sides of the military demarcation line constituting the southern and northern boundaries of the demilitarized zone.
 - (3) In view of the fact that hostilities will continue until the signing of

² Ibid. p. 1036.

¹ Department of State Bulletin, 24 December 1951, p. 1035.

the armistice agreement, if agreements are reached on all the items of the agenda within 30 days and the two delegations approve in the plenary session this agreement and the specific location of the above-mentioned military demarcation line and demilitarized zone, the military demarcation line and demilitarized zone already fixed shall not be changed regardless of whatever changes that may occur in the actual line of contact between both sides.

If agreements are not yet reached on all the items of the agenda by the time the 30 days transpire, the military demarcation line and demilitarized zone already fixed shall be revised in accordance with the changes which have occurred in the actual line of contact between both sides prior to the signing of the armistice agreement.

(c) Agreement reached on 23 November 19511

- 1. The principle is accepted that the actual line of contact between both sides (as determined under either paragraph two or three, as appropriate) will be made the military demarcation line and that at the time specified in the signed armistice agreement both sides will withdraw two kilometers from this line so as to establish the demilitarized zone for the duration of the military armistice.
- 2. In accordance with the above-stated principle, the subdelegations will determine immediately the present line of contact so as to fix it as the military demarcation line and as the median line of the demilitarized zone. If the military armistice agreement is signed within 30 days after the two delegations approve in the plenary session this agreement and the specific location of the above military demarcation line and demilitarized zone, the military demarcation line and demilitarized zone shall not be changed, regardless of whatever changes may occur in the actual line of contact between both sides.
- 3. In view of the fact that hostilities will continue until the signing of the armistice agreement, if the military armistice agreement is not signed within 30 days after the two delegations approve in the plenary session this line and the demilitarized zone as determined in paragraph two above, the subdelegations shall revise, immediately prior to the signing of the military armistice agreement, the above-mentioned demarcation line and the demilitarized zone in accordance with the changes which have occurred in the actual line of contact between both sides so that the revised military demarcation line will coincide exactly with the line of contact between both sides immediately prior to the signing of the military armistice agreement and will constitute the military demarcation line for the duration of the military armistice.

¹ Department of State Bulletin, 24 December 1951, p. 1036.

(xvii) Discussion of cease-fire principles

(a) United Nations statement of principles, 27 November 19511

1. There shall be a cease-fire, effective within 24 hours of the signing of the armistice agreement, and adhered to by all forces of any type under the control of either side.

2. There shall be established a supervisory organization, equally and jointly manned by both sides, for carrying out the terms of the armistice agreement.

3. There shall be no increase of military forces, supplies, equipment, and

facilities by either side after the signing of the armistice.

4. The military Armistice Commission, in carrying out its supervisory functions, shall have free access to all parts of Korea, for itself and for the joint observation teams responsible to the Armistice Commission.

5. There shall be general withdrawal of forces of each side, Air, Ground, and Naval, Regular and Irregular, from the territory controlled by the

other side.

6. There shall be no armed forces in the Demilitarized Zone except as

specifically and mutually agreed by both sides.

7. The military Commanders shall administer their portion of the Demilitarized Zone in accord with the terms of the military armistice agreement.

(b) Communist proposals, 27 November 19512

1. All armed forces of both sides, including armed personnel of regular and irregular units of the ground, naval, and air forces, should cease hostile actions as of the date of the signing of the armistice agreement.

2. All armed forces of both sides should withdraw from the demilitarized

zone within 3 days after the signing of the armistice agreement.

3. With the military demarcation line as the dividing line, all armed forces of both sides should withdraw from the rear areas, and coastal islands and waters of the other side within 5 days after the signing of the armistice agreement. In order to maintain order and security each side will have full right to take all necessary actions against such armed personnel who fail without any reason to withdraw within the specified period.

4. All armed forces of both sides are forbidden to enter the demilitarized

zone or to carry out any armed actions against this area.

5. An armistice commission should be established consisting of an equal number of members designated by each side who will be jointly responsible for making concrete arrangements and supervising the enforcement of the armistice agreement.

¹ Ibid. p. 1037.

² Voice of Korea, 25 December 1951, p. 3.

- (c) Further United Nations proposals, 12 December 19511
- 1. All armed forces, ground, sea and air, under control of either side, shall cease all hostilities within 24 hours after the effective date of the armistice.
- 2. All armed forces under the control of either side shall be withdrawn from demilitarized zone within 72 hours after the effective date of the armistice. Except for such armed force of a police nature as may be specifically and mutually agreed to by both sides, no armed forces of either side shall thereafter enter the demilitarized zone, nor shall the armed forces of either side commit any act of armed force against the demilitarized zone.
- 3. Within 5 days after the effective date of the armistice, each side shall withdraw the armed force under its control, ground, sea, and air, from the territory and territorial waters of the other side, including islands within the territorial waters of the other side. If the armed forces are not withdrawn within the stated time limit (unless there is some valid and mutually agreed reason for delaying the withdrawal) the other side shall have the right to take all necessary action against such armed personnel for the maintenance of security and order.
- 4. a. Each side shall designate an equal number of members to form a military armistice commission which shall be responsible for supervising the execution of and adherence to the whole armistice agreement. The military armistice commission shall be provided with, and assisted by, observer teams which shall be responsible to, shall report to, and shall be subject to the direction and supervision of the military armistice commission only. The observer teams shall be composed of personnel of nations whose armed forces are not participating in the Korean war, such nations to be mutually agreed to by both sides.
- b. Observation outside the demilitarized zone will be performed only by neutral observer teams. Observation within the demilitarized zone may be performed by neutral teams, by a joint team selected by the military armistice commission or by the armistice commission itself.
- c. Neutral observer teams shall be located at such land, sea and air ports of entry and communication centers as are mutually agreed to by both sides. These observer teams shall be permitted freedom of movement over principal lines of communication throughout all of Korea and each side shall afford these teams full assistance in the execution of the duties assigned them by the armistice commission. In addition such periodic aerial reconnaissance and observation and photographic flights as are mutually agreed to by both sides will be performed by neutral teams.
 - 5. Neither side shall increase the level of military units, military

personnel, war equipment, or war material existing in Korea at the time the armistice becomes effective. The rehabilitation expansion, and improvement of existing airfields and aviation facilities shall not be permitted.

6. Each side shall administer in accordance with the terms of the armistice agreement that portion of the demilitarized zone lying on its side of the

military demarcation line.

7. The armistice shall not become effective until the military armistice commission and its observer teams have been organized, are staffed, and are ready to begin the exercise of their assigned functions.

(d) Extract from further Communist proposals, 14 December 19511

facilitate the holding by both sides of a political conference of a higher level, both sides shall undertake not to introduce into Korea any military units, military personnel, war equipment and ammunition after the signing of the armistice agreement. However, if either side needs to rotate its military personnel in Korea, it shall make request to and acquire the approval of the military armistice commission. The number of such military personnel to be rotated shall not exceed 5,000 monthly. Any such rotation shall be subject to on-the-spot supervision by the supervisory organ of neutral nations and shall be carried out at the ports of entry in the rear agreed upon by both sides.

5. Either side shall designate an equal number of members to form a military armistice commission to be responsible for supervising the implementation of the armistice agreement and for settling through negotiation any violation of the armistice agreement. This function of supervision and inspection shall be carried out in accordance with the following two provisions: a. Within the demilitarized zone, the military armistice commission and the joint teams directly dispatched by it shall be responsible. b. Outside the demilitarized zone, at the ports of entry in the rear agreed upon by both sides and at the places where violations of the armistice agreement have occurred, the supervisory organ of the neutral nations

entrusted by the commission shall be responsible.

6. Both sides agree to invite neutral nations which have not participated in the Korean war to send, upon their consent, an equal number of representatives respectively to form a supervisory organ, a supervisory commission. This supervisory organ, the supervisory commission entrusted by the military armistice commission, shall be responsible for dispatching inspection teams of neutral nations over mutually agreed lines of communication to carry out the function of supervising the stipulation of paragraph 4 at such ports of entry in the rear as agreed upon by both sides, and when violations of the armistice agreement have occurred out-

side the demilitarized zone, to conduct necessary inspection at such places where violations have occurred; and shall report to the military armistice commission on the result of supervision and inspection. Both sides shall accord these inspection teams of neutral nations full convenience in performing the above-stated functions.

(e) Extract from revised United Nations proposals, 29 December 19511

facilitate a peaceful settlement by action at a political level both sides undertake not to introduce into Korea any reinforcing military personnel, combat aircraft, armored vehicles, weapons and ammunition after the armistice agreement is signed and becomes effective. Such rotation of military personnel as within the limit agreed upon by both sides shall be reported to the military armistice commission so that the supervisory organ of non-combatant nations may be entrusted to conduct on-the-spot supervision and inspection, which shall be carried out at the ports of entry in the rear agreed upon by both sides.

The rehabilitation of a limited number of airfields for civil air operation at specified points shall be agreed; such rehabilitation shall not include extension of runways. No other airfields shall be rehabilitated or constructed.

- 5. Each side shall designate an equal number of members to form a military armistice commission to be responsible for supervising the implementation of the armistice agreement and for settling through negotiation any violations of the armistice agreement. The function of supervision and inspection as stipulated in the armistice agreement shall be carried out in accordance with the following 2 provisions: a. Within the demilitarized zone, the military armistice commission utilizing joint teams directly dispatched by it shall be responsible. b. Outside the demilitarized zone, at the port of entry in the rear as agreed upon by both sides and at the places where violations of the armistice have been reported to have occurred, a supervisory organ of representatives of non-combatant nations shall be entrusted to be responsible. Upon the request to the supervisory organ of non-combatant nations by both sides or either side of the military armistice commission for investigation of a violation of the armistice agreement, the supervisory organ of non-combatant nations shall carry out the inspection.
- 6. Both sides agree to invite nations acceptable to both sides which have not participated in the Korean war, to send, upon their consent, an equal number of representatives to form a supervisory organ to be entrusted by the military armistice commission to be responsible for carrying out the functions of supervision and inspection as stipulated in paragraph (4) and

paragraph (5b) of this proposal upon the request by both sides or either side on the military armistice commission for carrying out these functions, the supervisory organ of non-combatant nations shall dispatch immediately inspection teams to carry out the functions of supervision and inspection as stipulated in the armistice agreement at ports of entry in the rear as agreed upon by both sides and at places where violations of the armistice agreement have been reported to have occurred outside the demilitarized zone, and shall report on the results of supervision and inspection to the military armistice commission. In performing their above-stated function, the inspection teams of non-combatant nations shall be accorded full convenience by both sides over the main lines of communication and transportation as agreed upon by both sides.

(xxiii) Discussion of exchanges of prisoners of war

(a) Communist proposals, 12 December 19511

- 1. To decide upon principle that both sides shall release all prisoners of
- war now in custody of each side. 2. To agree that both sides shall release in groups, and complete the repatriation of all the prisoners of war in their custody within the shortest period possible after the signing of the armistice agreement, and to decide upon the principle that those prisoners of war who are seriously wounded or sick shall have the priority of being released and repatriated in the first group.
- 3. To recommend that Panmunjom, Kaesong, will be place for the handing over and receiving of prisoners of war by both sides.
- 4. To recommend that both sides will designate an equal number of members to form a prisoner-of-war repatriation committee under the armistice commission to be responsible for dealing with matters related to the handing over and receiving of prisoners of war in accordance with the above-stated agreement.
- 5. Once the above items are mutually agreed and decided upon, the lists of names of all prisoners of war held presently by each side respectively will be exchanged.

(b) United Nations proposals, 8 January 19522

- 1. It is agreed that all POWs shall be released as hereinafter set forth.
- 2. POWs shall be repatriated on the following basis:
- a. POWs held by the Korean People's Army and the Chinese People's Volunteers who elect repatriation shall be exchanged for an equal number of POWs held by the UN Command who elect repatriation.

² Ibid. 31 January 1952, p. 5. ¹ Ibid. 25 December 1951, p. 5.

- b. Thereafter the UN Command shall repatriate POWs held by it who elect to be repatriated in exchange for an equal number of: (1) Foreign civilians interned by the Korean People's Army or the Chinese People's Volunteers who elect repatriation; (2) Other persons electing repatriation who, on 25 June 1950, resided south of the 38th parallel and who are, under any pretext whatsoever, serving in the Korean People's Army at the time of the signing of the armistice; and (3) Other civilians electing repatriation who, on 25 June 1950, resided south of the 38th parallel, and who are, at the time of the signing of the armistice in territory under the military control of the Korean People's Army and the Chinese People's Volunteers.
- c. If after the foregoing exchange has been completed, any POWs remaining in the custody of the UN Command who elect repatriation, such POWs shall be repatriated without delay.
- d. The supreme commander of Korean People's Army and the commander of the Chinese People's Volunteers shall solemnly agree that the POWs repatriated in accordance with sub-paragraph 2b and 2c above, shall not thereafter be permitted or compelled to bear arms against the UN Command.
- 3. All POWs not electing repatriation shall be released from POW status upon giving written assurance that they will not thereafter bear arms against either side in the Korean conflict.
- 4. All civilians who, at the time of the signing of the armistice, are in the territory under the military control of the UN Command and who, on 25 June 1950, resided north of the 38th parallel shall, if they so elect, be permitted and assisted to move to territory under the military control of the Korean People's Army and the Chinese People's Volunteers; and all civilians who, at the time of the signing of the armistice, are in territory under the military control of the Korean People's Army and the Chinese People's Volunteers and who, on 25 June 1950, resided south of the 38th parallel, and who are not repatriated under the provisions of the subparagraph 2b (3) above, shall, if they so elect, be permitted and assisted to move to territory under the military control of the UN Command.
- 5. The right to elect to go to the territory under the control of the Korean People's Army and the Chinese People's Volunteers shall be extended to all persons held by the UN Command who have been classified as civilian internees. It shall also be extended to all persons who, although they resided south of the 38th parallel on 25 June 1950, are now held by the UN Command as POWs.
- 6. In order to ensure that the choice regarding repatriation is made without duress delegates of the International Committee of the Red Cross shall be permitted to interview all POWs at the points of exchange, and all persons described in paragraph 2b (2) above, and all civilians of either

side who are, at the time of the signing of the armistice, in territory under the military control of the other side. Each side shall cooperate fully with the International Committee of the Red Cross in the performance of this function and shall make such logistical and administrative arrangements as are necessary to expedite the process.

B. WARS IN SOUTH-EAST ASIA

1. Indo-China

(i) Extracts from the programme and manifesto of the Lao Dong PARTY FORMED IN FEBRUARY 19511

(a) The party's programme

The Viet Nam Laodong Party is determined to complete the liberation of the Vietnamese people, to curb the influence of feudalism, to advance toward the eradication of feudal and semi-feudal vestiges, to develop people's democracy, to build an independent, unified, democratic, prosperous and powerful Viet Nam and lead it to Socialism.

During and immediately after the liberation war, the Viet Nam Laodong Party plans to carry out the following policy aimed at bringing an early and complete victory to the resistance and at laying the basis for the

building up of a prosperous and powerful state:-

1. Fight until the victory is complete.

The entire Vietnamese people are resolved to fight to the end in order to wipe out the French colonialists, defeat the American interventionists, punish the traitors and gain complete independence and unity for the fatherland. The liberation war of the Vietnamese people is a people's war, a nation-wide, mortal and long-drawn-out war. It must pass through three stages: A defensive stage, an attrition stage and a counter-offensive stage.

The central task of the Vietnamese people from now until the final victory of their resistance is to complete the preparations for a general counter-offensive and to launch a victorious general counter-offensive. In order to win complete victory, they must at the same time mobilise their manpower, material and financial resources for the liberation war in accordance with the slogan, 'All for the front, all for victory' and continually recoup their fighting power. They must bear in mind the following strategic principles of resistance:

All political, economic and cultural works must aim at ensuring military victories, and military struggle must be co-ordinated with political,

economic and cultural struggle.

¹ New China News Agency, 6 April 1951.

Fighting against the enemy at the front must be closely co-ordinated with guerrilla fighting and sabotage work in the enemy's rear.

The liberation war of the Vietnamese people must be closely co-ordinated with the armed resistance of the peoples of Laos and Cambodia and with the world-wide struggle for peace and democracy.

2. Consolidation of the people's rule.

The political power in our country is the democratic power of the people—that is, of the workers, peasants, the petty bourgeoisie, national bourgeoisie and patriotic and progressive personages and landlords. The form of this regime is the people's democratic republic. Its essence is people's democratic dictatorship—democratic towards the people, dictatorial towards the imperialist aggressors and reactionaries.

The people's rule relies on the national united front on the basis of the alliance of workers, peasants, and intellectual workers under the leadership of the working class.

The principle of organization of the people's rule is democratic centralism.

Our people's rule owes its strength to the active participation and support of the people, to the leadership of the working class and to the assistance rendered by the Soviet Union, China and other People's Democracies. Thus, in order to consolidate our people's rule, we must:

Continually strengthen the relations between State power and the popular masses.

Increase the participation of the working peasants and women in Government organizations, particularly in the people's councils.

Put into effect a genuine, people's democratic constitution.

Enhance the Party's leadership in Government organizations of all levels.

Strengthen Viet Nam's relations with the Soviet Union, China and other People's Democracies.

3. Consolidation of the National United Front.

The National United Front of Viet Namunites all political parties, people's organizations and patriots irrespective of class, nationality, religion and sex in the common struggle for liberation and national construction.

The Front is one of the pillars of the people's power. It has the task to mobilise, organise, educate and lead the people to implement the policy of the Government and to inform the Government of the wishes and initiative of the people.

The Laodong Party co-operates closely with all political parties, people's organizations and personages in the National United Front according to the following principles: Unity and friendly mutual criticism with a view

to speeding up their common progress, co-operation and negotiations in the struggle for a common programme, long term co-operation during and after the protracted resistance.

In order to strengthen the National United Front, we must complete the merger of the Viet Minh and Lien Viet Leagues,1 enhance the alliance of workers, peasants and intellectual workers as a solid basis for the Front to mobilise the bourgeoisie and landlords to participate actively in the Lien Viet League, develop the organizations of the Front in the enemy-occupied areas, in areas inhabited by religious people and in those of the national minorities, consolidate the Party's leadership of the Front.

4. Building up and developing the People's Army.

The Vietnamese army is a people's army organized, maintained and helped by the people and fighting for the people. It has a national, popular and democratic character. Its discipline is a very strict and self-

imposed discipline.

In order to build up and develop the People's Army, we must develop the local people's forces, militia and guerrillas in the villages and select the draftees captured by us or who come over to our side so as continually to recoup our regular army. We must capture the enemy's arms, ammunition and food supplies so as partly to solve our equipment and supply problems.

5. Developing the economy.

Our economic policy now is to increase production so as to meet the demands of the liberation war and to raise the living standards of the people, benefiting both the Government and private individuals, both

labour and capital.

Attention must be paid at present to the development of agriculture, industry, handicrafts and home trade, the establishment of trade relations with other countries, the laying of the basis for a State economy and the development of co-operative economy. With regard to the national bourgeoisie, our Party seeks to encourage, assist and guide them in their enterprises.

In the financial field we advocate an increase in income through production, reduction of expenses through economies, and the putting into

force of democratic contributions.

As regards the enemy's economy, we urge planned sabotage and blockade in a way beneficial to the liberation war and confiscation of the

A report of the Congress to merge the Viet Minh and Lien Viet Leagues appeared in NCNA Daily Bulletin No. 250 (March 30, 1951). The Congress decided that henceforth the National United Front of Viet Nam will be called the Viet Nam Front of National Union, or the Lien Viet Front [original footnote].

imperialist aggressors' and traitors' properties, which are to be put at the disposal of the people's power.

6. Carrying out of agrarian reform.

At present, our agrarian policy aims at carrying out the reduction of land rent and interest, as well as other reforms such as: Regulation of the leasehold system, provisional allocation of lands formerly owned by the imperialists and traitors to the poorer peasants and families of disabled ex-armymen and war dead, re-distribution of communal lands, rational use of lands belonging to absentee landlords and of waste lands etc.

These reforms must be thoroughly carried out so as to improve the living conditions of the peasants and to increase the participation of the bulk of the nation, mostly the peasants, in the armed resistance, to raise production and guarantee supplies.

In order to carry out systematically these reforms, our Party must organise and awaken the peasant masses and steadily lead the peasant movement.

We must carry out this agrarian policy step by step, according to the local conditions. In south Viet Nam, where lands are more concentrated than in north and central Viet Nam, this policy must be carried out at greater speed. We must prepare conditions gradually to give each farmer his own plot of land.

7. Developing culture and education.

In order to train new people and new cadres and to push forward the liberation war and national construction, it is necessary to wipe out the vestiges of colonial and feudal culture and education and develop a national, scientific and popular culture and education. Thus the tasks of Viet Nam culture and education at the present stage are:

To develop the people's hatred against the imperialist aggressors, their patriotism and spirit of internationalism.

To develop the essence of the people's culture and at the same time to study the progressive culture of the world, especially of the Soviet Union and China.

To develop the culture of the national minorities.

To develop people's science, technique and art.

To mobilise the people to live in a new way.

To liquidate illiteracy, reform the educational system and develop vocational schools.

8. The Party's stand in relation to religion.

The Viet Nam Laodong Party respects and guarantees freedom of religious belief and opposes the French imperialists' policy of misusing religion to hoodwink the people and to split the national united front of Viet Nam.

9. The Party's policy toward the nationalities.

All the peoples living on Viet Nam's territory have equal rights and duties. They must unite and help one another in order to carry out the armed resistance and national construction.

Our Party resolutely opposes narrow-minded nationalism and is determined to smash the plots of the imperialists and traitors to sow dissension among and divide the people.

It seeks to raise the living standards of the national minorities, help them to make progress in all spheres of activity and ensure their participation in the people's power. Each national minority will learn in its own native language.

10. The Party's policy concerning the enemy-occupied areas and the newly liberated areas.

We attach the same importance to the work in enemy-occupied areas as to that in the liberated ones. The work in the enemy-occupied areas consists in bringing about a broad unity between all strata of the people, intensifying guerrilla warfare, building up and consolidating the people's power, destroying puppet administrations and shattering the draftees' ranks, mobilising the peoples to struggle against the enemy's oppression and exploitation, and co-ordinating actions in enemy-occupied areas and the liberated areas.

With regard to the lackeys of the enemy, we recommend punishment of unrepentant leading traitors and clemency toward people who have strayed and who seek to make up for their mistakes and return to the side of the fatherland.

With regard to the newly liberated areas, we recommend unity among the population, maintenance of security, vigilance against and annihilation of traitors, and the rehabilitation of the economy.

11. External policy.

Viet Nam's external policy must be based on the principle of mutual respect for national independence and territorial integrity, equality of rights and defence of world peace and democracy.

Our Party recommends the strengthening of Viet Nam's friendly relations with the Soviet Union, China and other People's Democracies, active support for the national liberation movements of colonial countries, establishment of diplomatic relations with all countries that are willing to respect Viet Nam's national sovereignty on the basis of freedom, equality and mutual benefit.

We recommend the broadening of the people's diplomacy and the protection of Vietnamese nationals in foreign countries.

12. Our policy toward Laos and Cambodia.

The Vietnamese people must unite closely with the peoples of Laos and Cambodia and give them all-out assistance in the common struggle against imperialist aggression, for the complete liberation of Indo-China and for the defence of world peace. On the basis of serving the common interests of the three peoples, the Vietnamese people are willing to secure long-term co-operation with the peoples of Laos and Cambodia and will strive to bring about unity of purpose between the three peoples.

13. Our policy toward foreign nationals.

The lives and property of all foreign nationals who respect Vietnamese law are protected. They have the right to reside and carry on business on Viet Nam territory.

Nationals belonging to the People's Democracies—especially overseas Chinese—in Viet Nam are allowed to enjoy the same rights and perform the same duties as Vietnamese citizens if they so desire and if they have the approval of the governments of their own countries and the Vietnamese people's government.

14. The struggle for world peace and democracy.

To struggle for the defence of world peace and democracy is an international task of the Vietnamese people. To fight against the imperialist aggressors is the most active means for our people to fulfil this task.

We recommend that the Vietnamese people co-ordinate the liberation war with the struggles of other peoples of the world, especially the peoples of France and the French colonies.

15. Patriotic emulation.

The patriotic emulation campaign is a nation-wide movement reaching into all branches of activity and aiming mainly at checking three enemies—illiteracy, famine and foreign aggression. The Army, rural areas, Stateowned enterprises, schools and Government organisations are the main places where the emulation campaign is carried out.

We recommend that homage be paid to emulation heroes and labour combatants so as to mobilise the entire people to take part in the liberation war and national construction.

(b) The manifesto

The democratic camp has become stronger than the imperialist camp. Our country and our people stand in the democratic camp. The French colonialists stand in the imperialist camp and want to rob our land.

In this, they have the all-out assistance of the American imperialists. Our people, who definitely do not want to be enslaved, are determined to fight for the defence of our land and homes and are now preparing for an early general counter-offensive.

The forces of our resistance spring from the people. Over 90 per cent of our people are working people, embracing workers, peasants and intellectuals. Thus the working people are the main driving forces of our

armed resistance and of our national construction.

The central task of the working class and the working masses of Viet Nam now is to unite the entire people to push forward the war of resistance to complete victory, to build an independent, unified, democratic and prosperous Viet Nam, to realise people's democracy fully, so as to advance toward Socialism.

In order to fulfil this task the working class and the working people of Viet Nam must have a vanguard army, a general staff, a powerful, clear-sighted, determined, pure and thoroughly revolutionary political

party.

The theory of the party is Marxism-Leninism. The principle of organisation of the party is democratic centralism. The discipline of the party is a strict self-discipline. The policy of the party aims to serve the interests of the country and the people. The law of developing the party is criticism and self-criticism.

The main task of the Viet Nam Laodong Party now is:-

To unite and lead the working class, the working masses and the entire people of Viet Nam in their struggle to wipe out the French colonialists and defeat the American interventionists; to bring the liberation war of the Viet Nam people to complete victory, thereby making Viet Nam a genuinely independent and united country.

The Viet Nam Laodong Party fully supports the Government of the Viet Nam Democratic Republic, unites and co-operates closely with other parties and organisations in the Lien Viet Front in order to realise fully the peoples democratic regime—politically, economically, socially and cultur-

ally.

The Viet Nam Laodong Party stands for guaranteeing the legitimate

interests of all strata of the people.

It recommends that special care should be taken to raise the material and moral standards of living of the army, which fights for the defence of the country against the enemy, and which had been enduring the greatest hardships.

The workers, who are fighters in production, must have the opportunity continually to improve their living conditions and to take part in running

their own enterprises.

The peasants, who are production combatants in the rural areas, must

benefit from the reduction of land rent and interest and from appropriate agrarian reforms.

The intellectual workers must be encouraged and assisted in developing

their abilities.

Small tradespeople and small employers must be assisted in developing trade and handicrafts.

The national bourgeoisie must be encouraged, helped and guided in their undertakings to contribute to the development of the national economy.

The right of the patriotic landlords to collect land rent in accordance

with the law must be guaranteed.

The national minorities must be given every assistance and must enjoy absolute equality in rights and duties.

Effective help must be rendered to the women so as to bring about

equality between men and women.

Believers in all religions must enjoy freedom of worship. Overseas

Vietnamese in foreign countries must be protected.

The lives and properties of foreign residents in Viet Nam must be protected. Chinese nationals in particular, if they so desire, will be allowed to enjoy the same rights and perform the same duties as Vietnamese citizens.

In the field of external affairs, the Viet Nam Laodong Party recommends: 'The Viet Nam people must unite closely with and help the peoples of Cambodia and Laos in their struggle for independence and, with them, liberate jointly the whole of Indo-China; actively support the national liberation movements of oppressed peoples; unite closely with the Soviet Union, China and other people's democracies; form close alliances with the peoples of France and the French colonies so as to contribute to the anti-imperialist struggle to defend world peace and democracy.'

Confident in the efforts of all its members, in the support of working men and women and in the sympathy of the entire people, the Viet Nam

Laodong is sure to fulfil its tasks of:

Bringing the liberation war to complete victory.

Developing the people's democratic regime.

Contributing to the defence of world peace and democracy.

Leading the Viet Nam people toward Socialism.

(ii) Speech by General de Lattre de Tassigny, French High Commissioner in Indo-China, to members of the Government of Viet Nam, 19 April 1951¹

C'est pour moi une grande joie de vous avoir menés aujourd'hui — comme je vous ai conduits hier — sur un champ de bataille où les Forces

¹ L'Année Politique 1951 (Paris, Éditions du Grand Siècle, 1952), pp. 584-5.

Vietnamiennes ont remporté la victoire, de pouvoir vous faire sur le terrain le récit de ces combats, vous présenter les soldats qui les ont gagnés, vous montrer les travaux en cours pour mettre à l'abri le Delta.

Sur ce sol vietnamien, au milieu des troupes de l'Union Française, vous êtes, Monsieur le Président, Messieurs les Ministres, doublement chez

vous.

Vous terminez cette tournée sur le front à l'endroit où commença, il y a trois mois, la bataille pour le Delta. C'est bien à Vinh-Yên qu'il convenait de faire une pause pour mesurer le chemin parcouru.

Car c'est ici que s'est situé, au mois de janvier, le tournant décisif qui fit entrer la guerre dans une phase nouvelle et apparaître aux yeux de nos

troupes le visage de la victoire.

La bataille de Vinh-Yên fut la première grande bataille du Vietminh en rase campagne: enhardi par ses succès en Haute Région, il déboula dans la plaine, comptant sur sa masse pour rompre notre front encore fragile, bousculer nos groupes mobiles à peine constitués, arriver jusqu'à Hanoï avant le Têt.

Ce fut une dure et décisive bataille, menée de notre côté en pleine période de réorganisation avec des effectifs insuffisants. Nous l'avons gagnée à l'emporte-pièce parce que nous n'avions pas le droit de la perdre: car c'était le sort du Nord Vietnam qui se trouvait en jeu. Et le succès a donné à notre Armée à la fois une âme de vainqueur et le temps de se resondre; il a donné à la population du Vietnam la certitude qu'elle serait défendue sans esprit de recul; et son échec brutal a montré au Vietminh l'étendue de son erreur.

Aussi le deuxième acte de la campagne s'est-il engagé, il y a trois se-

maines, dans des conditions sensiblement différentes.

Notre adversaire a cherché cette fois le combat au plus près des montagnes où il se terre: aux lisières mêmes du massif de Dông Triêu; il a essayé de conjuguer avec des attaques frontales massives, une action intensifiée de guérilla sur nos arrières. Nos troupes à Mao Khé, à Ben Tam, ont soutenu tous les assauts avec une ténacité imperturbable, une confiance en soi nouvelle, une certitude si fascinante de leur domination et de la victoire qu'elles ont dominé et vaincu.

La victoire ainsi remportée est lourde d'espoir pour le Vietnam. Elle a singulièrement révélé la valeur et l'efficacité des soldats de votre pays.

L'occasion cruelle de cette guerre a fait jaillir de nouveau à la surface de votre peuple toutes les vertus militaires qui illustrèrent son histoire et le soutinrent dans la lutte qu'il a menée, pendant des siècles, pour sa liberté.

Tous les soldats vietnamiens qui se sont illustrés à Vinh Yên, à Mao Khé, à Ben Tam, justifient ma foi dans la grandeur du Vietnam de demain: car la jeunesse vietnamienne qui sert aujourd'hui sous le commandement français est la même jeunesse qui servira demain dans l'armée du Vietnam. Elle a prouvé ici à la face du monde que le fanatisme communiste n'a pas le monopole du courage et n'est pas la clef du succès.

Notre armée de l'Union française mesure l'importance sacrée de sa mission. Le Vietnam est, stratégiquement, la charnière du Sud-Est asiatique. Mais il vaut d'abord à mes yeux pour lui-même; il est plus qu'un ami; il est un parent que la France — selon l'émouvante solidarité familiale de tous temps en usage dans notre pays — aide et soutient de toutes ses richesses, de tous ses sacrifices . . . et de ce qu'elle a de plus précieux, le sang de ses enfants.

Si la France consent un tel effort, ce n'est pas seulement en souvenir des longues années de vie commune—je pense avec émotion aux volontaires de votre pays qui vinrent par deux fois sur notre sol mourir aux côtés des soldats français, c'est aussi dans la certitude que votre gouvernement, sous l'autorité de Sa Majesté, représente la vitalité d'un peuple sain qui refuse la tentation de la servitude, et qu'il entreprend de son côté tous les efforts,

pour affermir un idéal capable de rallier tout un peuple.

La protection de nos armes n'a de sens que parce qu'elle donne au Vietnam qui grandit dans l'indépendance le temps et les moyens de devenir assez fort pour se sauver lui-même, pour rassembler toutes ses énergies.

Je suis ici, parce que je suis sûr que le Vietnam a un grand destin, qu'il veut l'accomplir et qu'il l'acomplira . . . J'ai demandé à mes soldats des efforts surhumains: ils les ont faits parce qu'ils partagent ma foi. J'ai demandé à la France des renforts importants: je les ai obtenus parce qu'elle croit, comme moi, à l'ardente et farouche volonté du Vietnam de vivre et de vivre libre.

Les fortifications qui s'élèvent renforceront, bien sûr, la défense: mais elles doivent également permettre, par l'économie des effectifs de reprendre la pacification à l'intérieur du Delta et d'y faire régner, la nuit comme le jour, sur tous les villages, la paix, la sécurité, la loi vietnamienne.

Plus encore, ces fortifications constitueront la base de départ d'opérations qui doivent rallier à votre Gouvernement les populations actuelle-

ment situées en avant de nos lignes.

L'on me dit cependant que certains de vos compatriotes, abusés ou désabusés, aperçoivent une arrière-pensée politique dangereuse dans ce qui n'est que l'expression d'une idée stratégique singulièrement utile: ces blockhaus seraient à leurs yeux le signe matériel de la permanence indéfinie de l'implantation militaire française au Vietnam.

Non. Je suis venu ici pour accomplir votre indépendance, non pour la limiter. L'armée française n'est ici que pour la défendre. Les blockhaus qu'elle édifie aujourd'hui, elle les confiera demain à la garde de l'armée vietnamienne dès que celle-ci sera assez nombreuse et assez forte. Les victoires de nos troupes qui assurent aujourd'hui la sauvegarde de votre

territoire permettent en même temps, la constitution de cette armée nationale qui demain garantira pour toujours votre indépendance.

Ne faisons pas le jeu de l'ennemi qui cherche à diviser nos efforts, et à vous persuader que les soldats qui vous protègent de la servitude pourraient être un obstacle de plus à votre liberté.

Les conventions et les accords qui sont les bases juridiques de votre

indépendance s'exécutent aujourd'hui dans la plus grande sincérité.

Votre représentation extérieure se met en place progressivement. Vos délégués participent avec éclat aux conférences techniques internationales. Les transferts de services et la création des organismes communs s'effectuent avec le seul souci de l'efficacité. Le personnel français maintenu à votre disposition accorde à votre gouvernement toute sa compétence, toute sa loyauté.

Il nous reste à construire ensemble l'édifice délicat de l'Institut d'Émis-

sion. Ce sera bientôt chose faite.

Il faudra encore assurer la tenue de la monnaie qui, comme le budget, est directement fonction de la vie économique. Je connais, à cet égard, vos préoccupations, votre volonté de voir le Vietnam reprendre le rythme de ses exportations: riz, caoutchouc, charbon, étain; elles ramèneront dans tout le pays la richesse et la confiance.

Vous élevant au-dessus des difficultés quotidiennes, vous avez assigné à votre action gouvernementale un programme à la fois ample et précis, sur les bases du message adressé au pays par Sa Majesté Bao-Dai à l'occasion

du Têt.

Il est impossible que tous les Vietnamiens n'en prennent pas conscience et qu'ils ne s'unissent pas dans la véritable Résistance, celle de la liberté contre la tyrannie et l'oppression en se rassemblant autour de Sa Majesté et de votre Gouvernement.

(iii) STATEMENT ISSUED BY THE UNITED STATES DEPARTMENTS OF STATE AND DEFENCE ON THE RE-EXAMINATION OF THE MILITARY AID PROGRAMME FOR INDO-CHINA, 23 SEPTEMBER 19511

Discussions which have been going on for the past week between General of the Army, Jean de Lattre de Tassigny, French High Commissioner in Indochina and Commander in Chief of the French Union Forces in Indochina, and officials of the Departments of Defense and State, were concluded September 22 in an atmosphere of cordiality and unity of purpose.

The participants were in complete agreement that the successful defense of Indochina is of great importance to the defense of all Southeast Asia. United States officials stated that General de Lattre's presentation of the

¹ Department of State Bulletin, 8 October 1951, p. 570.

situation in that area had been invaluable to them and had demonstrated that United States and French policies in the associated states were not at variance.

In the course of the discussions with the Department of Defense, the military-aid program for Indochina was reexamined, with the result that considerable improvement will be made in the rate of deliveries of many items of equipment. General de Lattre has been advised that the question of additional aid for the French and Vietnamese forces in Indochina in the fiscal year 1952 program is under study by the United States Government.

2. Malaya

(i) STATEMENT IN THE HOUSE OF COMMONS BY THE SECRETARY OF STATE FOR THE COLONIES, Mr. James Griffiths, on the treatment of the Chinese in Malaya, 6 April 1951

On 8th March the chairman of a body in Peking styling itself the Relief Committee for Overseas Chinese Refugees from Malaya sent a telegram to the Prime Minister announcing that his Committee had organised an investigation team which would proceed to Malaya to investigate the conditions of suffering overseas Chinese. Arrangements for entry permits were demanded. On 9th March this Relief Committee issued a statement which appeared in the Press in China. It is perhaps sufficient for me to say that this abusive statement is as dishonest and as transparent a Communist propaganda manoeuvre as any I have seen. We have nothing to hide but equally we have no intention whatsoever of permitting such a mission now or at a later date to enter Malaya.

There is a free and independent Press in Malaya and the facts of the situation there are known to all. The great majority of Chinese in Malaya are peaceful, contented, and law-abiding citizens. They have nothing to fear except from the terrorist movement, whose object is to create disorder in Malaya and the majority of whose victims have been Chinese. The 11,000 Chinese held in detention camps in Malaya are in the main aliens who have been actively helping the terrorists. They would not be in detention camps now had the Chinese been willing to accept the obligations of a sovereign State to take back its own subjects when they are deported. In conclusion, I think the House should know that numerous messages have been received from Malaya Overseas Chinese requesting that permission for such a mission to visit there should be rejected and expressing their determination to co-operate in the task of resistance to the terrorist movement.

(ii) DIRECTIVE ADDRESSED TO GENERAL SIR GERALD TEMPLER, HIGH COMMISSIONER FOR MALAYA, BY THE SECRETARY OF STATE FOR THE Colonies, published 7 February 19521

The policy of H.M. Government in the United Kingdom is that Malaya should in due course become a fully self-governing nation. H.M. Government confidently hope that that nation will be within the British Commonwealth. In assisting the peoples of Malaya to achieve this object, you will at all times be guided by the declaration of policy expressed in the preamble of the Federation of Malaya Agreement and by the statement of the special responsibilities of the High Commissioner contained in Section 19 of that Agreement.

To achieve a united Malayan nation there must be a common form of citizenship for all who regard the Federation or any part of it as their real home and the object of their loyalty. It will be your duty to guide the peoples of Malaya towards the attainment of these objectives and to promote such political progress of the country as will, without prejudicing the campaign against the terrorists, further our democratic aims in

Malaya.

The ideal of a united Malayan nation does not involve the sacrifice by any community of its traditional culture and customs, but before it can be fully realized the Malays must be encouraged and assisted to play a full part in the economic life of the country, so that the present uneven economic balance may be redressed. It will be your duty to foster this process to the best of your ability.

H.M. Government believe that the British have a mission to fulfil in the achievement of these objects and that even after self-government has been attained, the British in Malaya will have a worthy and continuing part

to play in the life of the country.

Communist terrorism is retarding the political advancement and economic development of the country and the welfare of its peoples. Your primary task in Malaya must, therefore, be the restoration of law and order, so that this barrier to progress may be removed. Without victory and the state of law and order which it alone can bring, there can be no freedom from fear, which is the first human liberty.

In furtherance of your task, not only will you fulfil the normal functions of High Commissioner, but you will assume complete operational command over all armed forces assigned to operations in the Federation and will be empowered to issue operational orders to their Commanders without reference to the Commanders-in-Chief, Far East. You should establish the closest consultation between yourself and the Commanders-in-Chief, Far East, in matters of common concern.

You may assure the Malayan peoples of all communities that they can count on the powerful and continuing assistance of H.M. Government not only in the immediate task of defeating the terrorists but in the longer term objective of forging a united Malayan nation. H.M. Government will not lay aside their responsibilities in Malaya until they are satisfied that Communist terrorism has been defeated and that the partnership of all communities, which alone can lead to true and stable self-government, has been firmly established.

C. PACIFIC SECURITY PACTS

(i) STATEMENT BY PRESIDENT TRUMAN ON THE PROPOSED SECURITY AGREE-MENT BETWEEN AUSTRALIA, NEW ZEALAND AND THE U.S.A., 18 APRIL 1951¹

The United States is moving steadily forward in concert with other countries of the Pacific in its determination to make ever stronger the

position of the free world in the Pacific Ocean area.

In connection with the reestablishment of peace with Japan, we are discussing with the Japanese Government the implementation of its expressed desire for a posttreaty security arrangement pursuant to which United States Armed Forces might on a provisional basis remain in and about Japan.

The United States maintains and expects to continue to maintain its

Armed Forces in the Ryukyus, particularly at Okinawa.

In the Philippines, the United States is accorded certain military operating rights and facilities pursuant to an agreement with the Government of the Philippines, and the whole world knows that the United States recognizes that an armed attack on the Philippines would be looked upon by the United States as dangerous to its own peace and safety and

that it would act accordingly.

The Governments of Australia and New Zealand, in connection with the reestablishment of peace with Japan, have suggested an arrangement between them and the United States, pursuant to articles 51 and 52 of the United Nations Charter which would make clear that in the event of an armed attack upon any one of them in the Pacific, each of the three would act to meet the common danger in accordance with its constitutional processes; and which would establish consultation to strengthen security on the basis of continuous and effective self-help and mutual aid.

The possibilities of such an arrangement were fully explored by Mr. Dulles at Canberra, Australia, and Wellington, New Zealand, and have

since been informally discussed with the appropriate subcommittee of the Senate Foreign Relations Committee and the Foreign Affairs Committee of the House.

I have now asked the Secretary of State, the Secretary of Defense, and Mr. Dulles, as my special representative in relation to the Japanese peace settlement and related matters, to pursue this matter further concurrently with the prosecution of the other negotiations necessary to bring the

Japanese peace settlement to an early and satisfactory conclusion.

The series of arrangements and dispositions outlined above will strengthen the fabric of peace in the whole Pacific Ocean area, where security is strongly influenced by sea and air power. They constitute natural initial steps in the consolidation of peace in that area and also will contribute to the building of universal peace as sought by the United Nations and under which great goal the efforts of our nation are now being largely dedicated.

(ii) Tripartite Security Treaty between Australia, New Zealand AND THE U.S.A., SAN FRANCISCO, I SEPTEMBER 19511

The Parties to this Treaty,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all Governments, and desiring to strengthen the fabric of peace in the

Pacific Area,

Noting that the United States already has arrangements pursuant to which its armed forces are stationed in the Philippines, and has armed forces and administrative responsibilities in the Ryukyus, and upon the coming into force of the Japanese Peace Treaty may also station armed forces in and about Japan to assist in the preservation of peace and security in the Japan area,

Recognizing that Australia and New Zealand as members of the British Commonwealth of Nations have military obligations outside as well as

within the Pacific Area,

Desiring to declare publicly and formally their sense of unity, so that no potential aggressor could be under the illusion that any of them stand

alone in the Pacific Area, and

Desiring further to coordinate their efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive system of regional security in the Pacific Area,

Therefore declare and agree as follows:

Department of State Bulletin, 23 July 1951, pp. 148-9. A similar treaty between the U.S.A. and the Philippines was signed on 30 August 1951: ibid. 27 August 1951, p. 335.

ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

ARTICLE II

In order more effectively to achieve the objective of this Treaty the Parties separately and jointly by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack.

ARTICLE III

The Parties will consult together whenever in the opinion of any of them the territorial integrity, political independence or security of any of the Parties is threatened in the Pacific.

ARTICLE IV

Each Party recognizes that an armed attack in the Pacific area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE V

For the purpose of Article IV, an armed attack on any of the Parties is deemed to include an armed attack on the metropolitian territory on any of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.

ARTICLE VI

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VII

The Parties hereby establish a Council, consisting of their Foreign Ministers or their Deputies, to consider matters concerning the implementation of this Treaty. The Council should be so organized as to be able to meet at any time.

ARTICLE VIII

Pending the development of a more comprehensive system of regional security in the Pacific Area and the development by the United Nations of more effective means to maintain international peace and security, the Council, established by Article VII, is authorized to maintain a consultative relationship with States, Regional Organizations, Associations of States or other authorities in the Pacific Area in a position to further the purposes of this Treaty and to contribute to the security of that Area.

ARTICLE IX

This Treaty shall be ratified by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of Australia, which will notify each of the other signatories of such deposit. The Treaty shall enter into force as soon as the ratifications of the signatories have been deposited.

ARTICLE X

This Treaty in the English language shall be deposited in the archives of the Government of Australia. Duly certified copies thereof will be transmitted by that Government to the Governments of each of the other signatories.

In witness whereof the undersigned Plenipotentiaries have signed this

Treaty.

Done at San Francisco this first day of September, 1951.

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